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## AGENDA FOR THE PLANNING SUB COMMITTEE A

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held via Zoom on **4 May 2021 at 7.30 pm**. The link to the Zoom meeting is below. If you prefer to join the meeting by phone please dial 0208 080 6591. Enter meeting ID: 939 5465 0597 when prompted.

<https://weareislington.zoom.us/j/93954650597>

Enquiries to : Zoe Lewis  
Tel : 020 7527 3486  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 23 April 2021

### Welcome:

Members of the public are welcome to attend this meeting.

**Consideration of Planning Applications** – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Picknell (Chair)	- St Mary's;	Councillor Klute	- St Peter's;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Kay	- Mildmay;
Councillor Clarke	- St George's;	Councillor Woolf	- Canonbury;
Councillor Convery	- Caledonian;	Councillor Chowdhury	- Barnsbury;
Councillor Ismail	- Holloway;	Councillor Wayne	- Canonbury;
		Councillor Williamson	- Tollington;
		Councillor Burgess	- Junction;
		Councillor A Clarke-Perry	- St Peter's;
		Councillor Hyde	- Caledonian;

Quorum: 3 councillors



**A. Formal Matters**

**Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences**- Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business
6. Minutes of Previous Meeting

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	Ambler Primary School, 80 Blackstock Road, London, N4 2DR	7 - 28
2.	Land and Access Ways Rear of 13-27 Cowcross Street, London, EC1M 6DR	29 - 48
3.	Land and Access Ways Rear of 13-27 Cowcross Street, London, EC1M 6DR	49 - 78
4.	Prior Weston Primary School, Golden Lane Campus, 101 Whitecross Street, London, EC1Y 8JA	79 - 126
5.	South Library, 115-117 Essex Road, London, N1 2SL	127 - 146

**C. Consideration of other planning matters**

**D. Urgent non-exempt items (if any)**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**E. Exclusion of press and public**

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**F. Confidential/exempt items**

**G. Urgent exempt items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

## **PROCEDURES FOR PLANNING SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

### **Order of Agenda**

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

### **Consideration of the Application**

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

### **What Are Relevant Planning Objections?**

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

**For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Ola Adeoye/Zoe Lewis on 020 7527 3044/3486. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**



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# Public Document Pack Agenda Item A6

London Borough of Islington

## Planning Sub Committee A - 22 March 2021

Minutes of the meeting of the Planning Sub Committee A held on 22 March 2021 at 7.30 pm.

**Present:**      **Councillors:**      Picknell (Chair), Poyser (Vice-Chair), Clarke and Convery

### Councillor Angela Picknell in the Chair

**157**      **INTRODUCTIONS (Item A1)**

Councillor Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

**158**      **APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

**159**      **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**160**      **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**161**      **ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda. Item B4 - Unit 4, Roman Way Industrial Estate, 149 Roman Way had been withdrawn by the applicant so would not be considered at the meeting.

**162**      **MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 19 January 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**163**      **236 UPPER STREET, ISLINGTON, LONDON, N1 1RU (Item B1)**

Retrospective Change of use from a retail unit to a restaurant/cafes (Class E); the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the building; installation of an air conditioning unit in the rear garden; and a single storey rear extension to the building including installation of rooflights. Retention of existing shopfront alterations with use of the front tables and chairs and external alterations to rear elevation including installation of rooflights.

(Planning application number: P2020/1364/FUL)

In the discussion the following points were made:

- A member raised concern that it did not appear that the applicant had liaised with the upstairs neighbour to address concerns about anti-social behaviour and noise in the front outdoor seating area. The applicant stated that this area would be managed well, there were a limited number of seats and there would be no vertical eating or drinking permitted.
- Concerns were raised about the additional waste that would be generated by a restaurant with 60 covers. Officers stated that there were two collections daily Monday-Saturday so there should not be a significant impact.
- In response to an objector's concerns about existing drainage issues which would be exacerbated by the scheme, the planning officer stated that drainage was not a material planning consideration on an application of this scale.
- A member stated the importance of not putting oil down drains and the applicant advised the disposal of oil would be managed properly.
- In response to concerns about potential noise and odour from the proposed extraction equipment, the planning officer stated that a noise report had been submitted and was considered acceptable and the commercial odour team considered the proposed extraction equipment as sufficient. Also, if the equipment was changed, a new planning application would be required to be submitted.
- The Chair stated that the usual conditions for an application in a residential area had been applied.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

164

**85-87 SOUTHGATE ROAD, LONDON, N1 3JS (Item B2)**

Change of use of building from A1 use (retail with ancillary residential) [876sqm] to Class E (office with production rooms), external minor alterations to include replacement entrance door, cycle parking, window replacements; replacement of existing winter garden at first floor level, installation of 2x mechanical plant and associated screened plant enclosure at roof level, courtyard alterations and associated works. [RECONSULTATION- following additional details on this application notably the submission of a draft Operational management plan).

(Planning application number: P2020/1700/FUL)

In the discussion the following points were made:

- The planning officer advised that an extra condition on Class E –restricted uses (compliance) had been added to the proposed list of conditions.
- In relation to ten people being permitted to work out of hours at any one time, a member asked about the practicalities of this. The applicant advised that if staff were working through the night they would probably start work at the end of the working day and finish in the morning. They would not be entering and leaving the premises all through the night. They also would not be doing this every night, it was in place to permit flexibility.
- Members welcomed the productive dialogue that had taken place between the applicant and neighbours and thanked the officers for enabling this.
- A member commented that the premises was well suited to this type of business and it was the kind of small business that was encouraged in Islington.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

165

**GATE HOUSE, 1 ST JOHN'S SQUARE, LONDON, EC1M 4DH (Item B3)**

Erection of roof extensions at fifth and sixth floor levels; erection of roof top plant room to include mechanical plant; formation of terrace at sixth floor level; installation of mechanical plant at second floor level; erection of infill front extensions at ground floor level; and associated external alterations including façade repair, landscaping at ground floor and erection of cycle store.

(Planning application number: P2020/3454/FUL)

In the discussion the following points were made:

- In response to concerns raised about light pollution and potential light sensor problems, the planning officer stated that the wording of the existing condition could be strengthened. However it would only apply to the new elements of the building. If light sensors were referenced in the conditions and were not working, this could be reported and enforcement action could be taken.
- In response to a member's suggestion that green roofs be added to the wider property to improve the sustainability of the application, the planning officer advised that this would require the submission of a further planning application.
- A member stated that there were no concerns from design officers and the neighbouring amenity impacts were relatively small with small transgressions in terms of daylight/sunlight impacts.
- The scheme was broadly policy compliant.
- A member welcomed the mosaics on the existing building being fully restored.

Councillor Clarke proposed a motion to strengthen the wording of Condition 9 and also include the requirement for light sensors to be used. This was seconded by Councillor Poyser and carried.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with the Condition 9 amended as outlined above, the wording of which was delegated to officers in consultation with the Chair.

166

**UNIT 4, ROMAN WAY INDUSTRIAL ESTATE, 149 ROMAN WAY, LONDON, N7 8XH (ITEM WITHDRAWN) (Item B4)**

This application was withdrawn by the applicant so was not considered at the meeting.

**WORDING DELEGATED TO OFFICERS IN CONSULTATION WITH THE CHAIR**

**MINUTE 165**

**GATE HOUSE, 1 ST JOHN'S SQUARE, LONDON, EC1M 4DH**

AMENDED CONDITION 9: Details of measures to adequately mitigate light pollution from any areas of glazing within the 5<sup>th</sup> and 6<sup>th</sup> floor roof extension hereby approved the approved roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

These measures could include (but are not limited to):

- Lighting strategies that reduce the output of luminaires closer to the facades;
- Light fittings controlled through the use of sensors;
- Timers;
- Low level lighting;
- Details on glare and direction.

Measures shall also include details and/or a strategy to overcome breakage to ensure that any malfunction to the proposed mitigation would not be at the harm to the amenity of neighbouring occupiers.

The approved mitigation measures including those to overcome malfunction shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.

**REASON:** In the interests of the residential amenities of the occupants of adjacent residential dwellings.

The meeting ended at 8.45 pm

**CHAIR**

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### PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	4 <sup>th</sup> May 2021	<b>NON-EXEMPT</b>

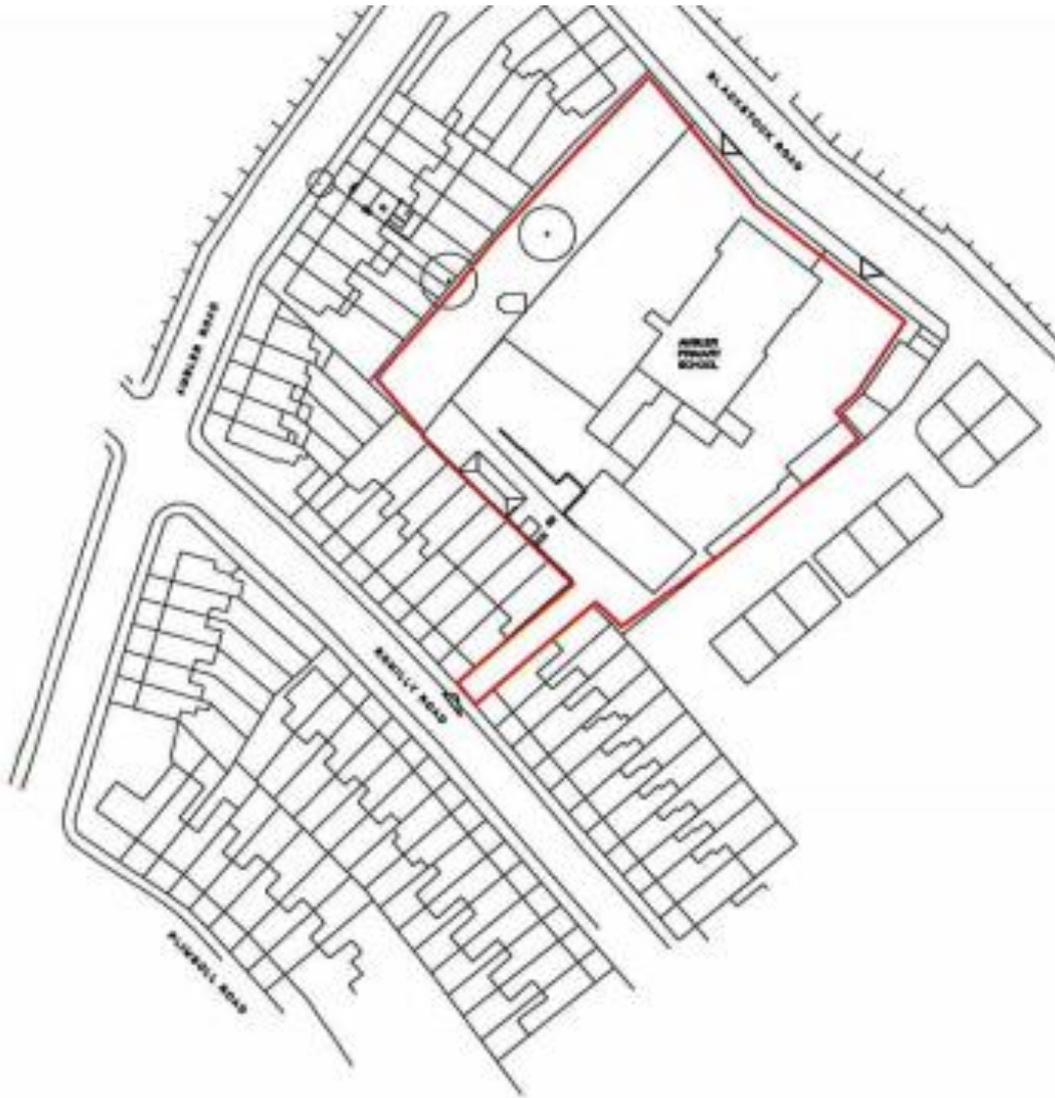
Application number	P2020/2122/FUL
Application type	Full Planning Application
Ward	Highbury West Ward
Listed building	Locally Listed (Main school building)
Conservation area	None
Development Plan Context	Finsbury Park Core Strategy Key Area Finsbury Town Centre Article 4 Direction (A1-A2 – Town Centres)
Licensing Implications	None
Site Address	Ambler Primary School, 80 Blackstock Road, London N4 2DR
Proposal	Single storey side extension to existing outbuilding (Block D) located to the west of the site to provide 2 no. additional new rooms (3 total) comprising of a sensory circuit room, work room & a sensory room with accessible toilets.

Case Officer	Daniel Jeffries
Applicant	Mr Jonathan Ashwell – Ambler Primary School
Agent	Mr Jonathan Ashwell – Ambler Primary School

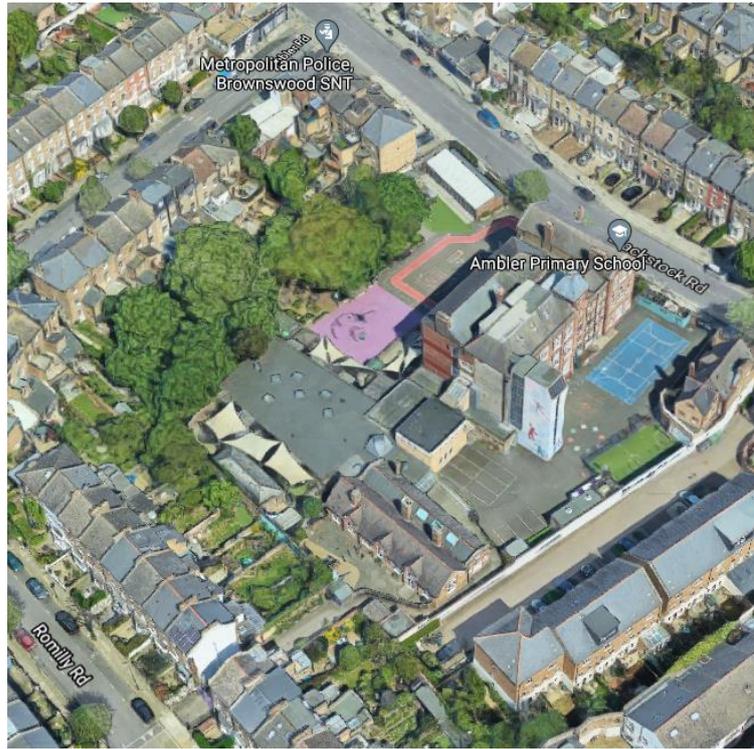
### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (SITE OUTLINED IN RED)



**3. PHOTOS OF SITE/STREET**



**Image 1:** Aerial view facing north



**Image 2:** Aerial photo showing existing outbuilding



**Image 3:** Photo showing existing SEN building

#### **4. SUMMARY**

- 4.1 The application seeks planning permission for the enlargement of the existing SEN (Special Education Needs) building located to the south west of the site, through the addition of a single storey extension. The proposal would result in the loss of the existing sandpit and part of the existing area of hardstanding used as a playground. The loss of outdoor playspace is considered acceptable on balance given the amount of exiting outdoor space within the site and the benefit of improved facilities for the school and its SEN provision.
- 4.2 The design of the proposed development is considered in keeping with the visual appearance of the building which would be extended and the existing buildings within the application site, including the locally listed building. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3, DM4.12 of the Development Management Policies (2013), the Urban Design Guide (2017).
- 4.3 The proposal is considered to not detrimentally impact the amenity of the occupiers of neighbouring properties, the wider public highway network and biodiversity.
- 4.4 The proposal is considered to be acceptable and it is recommended that the application be approved subject to conditions.

#### **5. SITE AND SURROUNDINGS**

- 5.1 The application site forming Ambler Primary School is located between the public highways of Blackstock Road, to the north east, and Romilly Road, to the south east. The site is not within a conservation area, nor is there any listed buildings within the site or within close proximity. However, it is within the Finsbury Park Core Strategy Key Area and Finsbury Town Centre. The site can be accessed from Romilly Road, by pedestrians, and Blackstock Road, by pedestrians and vehicles.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for a single storey side extension to existing outbuilding (Block D) which is located to the west of the site, positioned adjacent to the shared boundary with the properties along Romilly Road. The proposal would provide 2 no. additional new rooms (result in a total of 3) comprising a sensory circuit room, work room and a sensory room with accessible toilets.
- 6.2 The applicant has confirmed that the proposal would be used by small groups of around 6-10 children and up to 5 staff at any one time. It will be used during the school day between 8:30am – 4:00pm. It is also confirmed that the proposal would not increase the 480 pupils and 95 staff at the school and childrens' centre, and this will be an additional facility for the current pupils requiring additional support with their education.

## 7. RELEVANT HISTORY:

### *PLANNING APPLICATIONS*

- 7.1 P2014/2012/FUL - The construction of a single storey standalone building adjacent to the Blackstock Road frontage to provide a dedicated building to accommodate the breakfast and after schools clubs, and enabling the first additional form entry class to be located adjacent to the existing within the main building; new entrance door within the existing front boundary wall. *Approved on 18/07/2014*
- 7.2 P111606 - Planning application for the erection of a buggy store and three shelters. *Approved on 10/01/2012*
- 7.3 P092475 - Addition of dormer windows to approved planning application P091544 dated 30 September 2009. *Approved on 27/01/2010*
- 7.4 P091544 - Conversion to 5 self-contained flats, including 3 storey rear extension. *Approved on 30/09/2009.*
- 7.5 P071970 - Installation of 3 up-lit pole signs to Blackstock Road frontage. *Approved on 04/10/2007.*
- 7.6 P071559 - The creation of two new entrances to the primary school, fencing to playground, installation of disabled access ramp and alterations to windows and doors in ground floor north elevation. *Approved on 02/08/2007.*
- 7.7 P070873 - Installation of cycle parking facilities within school playground. *Approved on 19/05/2007.*
- 7.8 P062770 - Alteration to existing block for additional new kitchen including external extract, replacement of new kitchen windows, Installation of new ground to first floor dumb waiter and replacement of upper section to classroom (RM36) windows. *Approved on 03/03/2007.*
- 7.9 P062206 - External alterations to existing single storey building (known as block B). Refurbishment and replacement of existing windows, installation of new double doors in west elevation, installation of new door and window in north elevation. Erection of a single storey reception area and buggy store with roof lights (on east side of block B). *Approved on 21/11/2006.*
- 7.10 P060079 - Alterations to existing single storey building as condition 4 of Ref P050014 (Full planning application to alter existing single storey building only). *Withdrawn*
- 7.11 P050014 - Erection of a single storey building in connection with use as childrens centre and alterations to existing buildings. *Withdrawn*

## *ENFORCEMENT*

- 7.12 E/2018/0108 - Erection of adverts to front Case closed on 15/01/2019
- 7.13 E/2016/0124 - Without planning permission, the inclusion of a window in a wall. Case closed on 15/08/2016.
- 7.14 E/2014/0121 - Non compliance with P2013/3697/FUL. Case closed on 25/03/2014.
- 7.15 E/2014/0012- non matching materials used on new extension extra window inserted on existing rear elevation. Case closed on 08/04/2014.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 262 no. adjoining and nearby properties at Romilly Road, Chapman Place, Blackstock Road and Somerfield Road on 11<sup>th</sup> November 2020. Additional consultation letters were sent on 28<sup>th</sup> January 2021. The consultation period ended on 11<sup>th</sup> February 2021.
- 8.2 At the time of the writing of this report a total of 2 no. responses had been received from the public with regard to the application, one response raising comments about the consultation, and one response raised objections to the proposal. The issues raised in the objection can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

### ***Neighbouring Amenity***

- Noise and disruption during the construction phase; and
  - Light pollution and light spill from the use of the proposal
- (See Paragraphs 10.30 to 10.39)**

### **Internal Consultees**

- 8.3 **Design and Conservation Officer:** raised no objections to the proposal.
- 8.4 **Inclusive Design Officer:** welcomed improved facilities but raised questions about the loss of play space and about the accessible provision
- 8.5 **Environmental Health Pollution Officer:** raised no objections.
- 8.6 **Tree Officer:** raised no objections to the loss of the planter

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents

### **National Guidance**

- 9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990)

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington’s Local Plan, including adopted Supplementary Planning Guidance.)
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee A must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Development Plan**

- 9.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

## **Designations**

- 9.10 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Locally Listed Building – Main school building
  - Finsbury Park Core Strategy Key Area
  - Finsbury Town Centre
  - Article 4 Direction (A1-A2 – Town Centres)

## **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.11 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **Emerging Policies**

### Draft Islington Local Plan 2019

- 9.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications is taking place from 19 March to 9 May.

In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 9.13 Emerging policies relevant to this application are set out below:

- Policy PLAN1 – Site appraisal, design principles and process
- Policy SC1 – Social and Community Infrastructure
- Policy DH1 – Fostering innovation and conserving and enhancing the historic environment

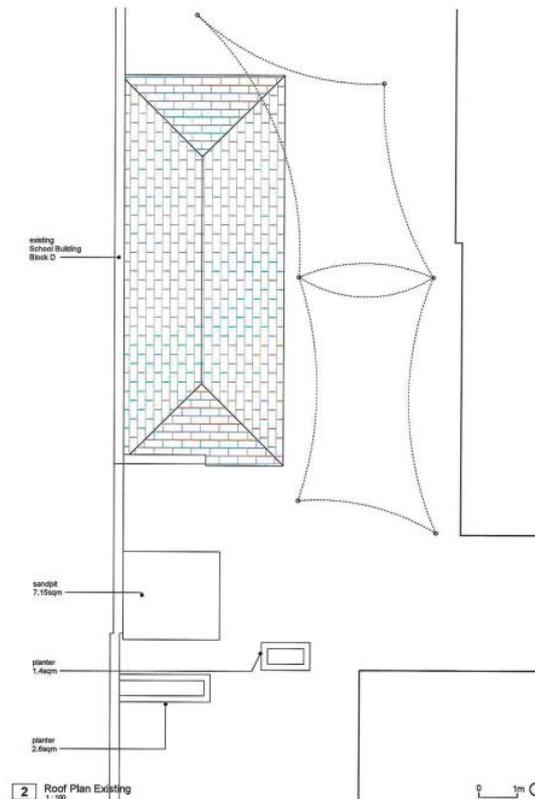
## **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Neighbouring Amenity
- Landscaping, trees and biodiversity
- Accessibility
- Highways and Transport

## Land Use

- 10.2 The proposal seeks to provide improved facilities for the school in the form of a single storey ground floor extension to Block D, which is used for pupils with Special Education Needs (SEN). The proposed extension would extend across an area of hardstanding used as part of the existing playground and an area currently occupied by a sand pit.
- 10.3 The proposed extension as well as internal alterations to the existing building, would provide 2 no. new rooms, being a Sensory Circuit Room and small work room and a proposed redesign of the existing accommodation to provide a Sensory Room with accessible toilets.
- 10.4 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools and should take a positive approach to development that will widen the choice of education. The DCLG Policy Statement (2012) - Planning for schools - mirrors this aim, stating that local authorities should give full and thorough consideration to the importance of enabling the development of state funded schools, including free schools.
- 10.5 Development Management Policy DM 4.12 is supportive of new social and community infrastructure provision, which the proposed expanded use of the existing facilities would represent. The existing SEN facility provides a valuable service in this locality, to the school which the council would wish to support and encourage. Policy DM4.12C sets out criteria for new social infrastructure, which must:
- i. be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
  - ii. provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
  - iii. be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
  - iv. complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses. As such, the proposal would result in improved facilities for the school.*
- 10.6 The applicant has confirmed that the proposal is not required to increase the numbers of pupils or staff at the school and children's centre, currently being 480 pupils and 95 staff at the school and childrens' centre. However, meeting the needs of current and future pupils within the school grounds is evidently a key benefit of this proposal. This would be in accordance with the National Planning Policy Framework which states that the Government, "*attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement...*" The framework also states that Councils should give "*great weight to the need to create, expand or alter schools*". The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities.
- 10.7 Notwithstanding the acceptability of the principle of providing improved facilities for the school, the position of the proposed single storey extension would result in the loss of the use of an area of the existing playground (8.93 sqm), as well as an existing planter and sandpit shown in the image (6) below.



**Image 4:** Existing layout of SEN building

- 10.8 Paragraph 97 of the National Planning Policy Framework states that *‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use’.*
- 10.9 London Plan 2021 Policy S3 supports the expansion of education facilities and the enhancement of facilities for educational purposes but states that *‘Any proposed loss of sport or recreation land (including playing fields) should be considered against the requirements of Part C of Policy S5 Sports and recreation facilities’.*
- 10.10 London Plan Policy S5 Part C in relation to Sports and recreation facilities states (para. 5.5.1) that *‘Sport and recreation facilities are important components of social infrastructure. Both formal and informal facilities should be provided, to encourage physical activity and deliver a range of social, health and wellbeing benefits to communities. People take part in various forms of sport and recreation which require a number of different types of facility. Many activities require minimal facilities, and often an open space or community hall can be sufficient’.*
- 10.11 This policy states that *‘Existing sports and recreational land (including playing fields) and facilities for sports and recreation should be retained unless:*

- 1) *an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements (for the existing or alternative sports and recreational provision) at the local and sub-regional level. Where published, a borough's assessment of need for sports and recreation facilities should inform this assessment; or*
- 2) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- 3) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.*

10.12 London Plan Policy S4 supports increased opportunities for play and informal recreation and enables children and young people to be independently mobile and not result in the net loss of play provision, unless it can be demonstrated that there is no ongoing or future demand.

10.13 The Department for Education provide a definition of what constitutes a playing field, within Appendix A of the document '*Disposal or change of use of playing field and school land*' (2014), who state school playing fields include:

- *grass pitches and artificial surface pitches set out for the playing of sports*
- *hard surface games courts including multi-games courts, tennis courts, netball courts and hard paving marked out for games;*
- *informal and social areas, including grassed areas, paved areas (including playgrounds) [emphasis added] outdoor seating and teaching areas including rest and quiet areas;*
- *marginal areas, around the edges of playing fields for run-off and to allow for the cyclical realignment of pitches;*
- *habitat areas, set aside for the formal teaching of nature or informal curriculum purposes, including meadowland, wildlife habitats (including ponds), gardens, nature trails and outdoor science areas.*
- *local authority parkland or other open space that is used, or has been used in the last ten years, for the purposes of a maintained school.*

10.14 The applicant has confirmed that the proposal would cover a total area of 20.06 sqm. This area includes areas covered by the existing sandpit (7.15 sqm) and the small (1.35 sqm) and large (2.63 sqm) planters, and the area of hardstanding (8.93 sqm) which forms part of the existing playground. The loss of the existing area of hardstanding would fall within the above definition by the Department of Education which includes informal and social areas such as playgrounds.

10.15 The applicant has provided an assessment of the overall play provision within the site, for the school and Children's Centre. The submitted documentation confirms that total outdoor provision is 9375 square metres (inclusive of the developed area), but noted that whilst the larger areas have been accurately measured, some of the smaller areas have been estimated from the most up to date site plans. The breakdown of the outdoor playspace provision is shown in the table below:

Name of area	Size (square metres)
Main playground 1	992
Playground 2	827
Football pitch	100
Children's centre outdoor play	1500
Forest and trim trail	5956

Table 1: Existing outdoor playspace provision



**Image 5:** Aerial photo showing existing outdoor provision by area

10.16 As shown in the above figures the existing school and Children's Centre benefit from significant amounts of outdoor space, particularly in light of its urban context. Whilst the loss of the existing facilities including the sand pit and part of the outdoor playground would be a relatively small part in the context of the overall site, it is also important to consider the quality of this space, which as shown in the image below consists of a recessed area between the existing SEN building and the sandpit and currently contains 3 tyres. It is considered that this existing area has limited value to the existing outdoor playspace provision.



**Image 6:** Photo showing existing sandpit and area of playground lost by proposal

- 10.17 Notwithstanding the above, it is important to consider the requirements of paragraph 97 of the NPPF. It should be noted that in the glossary of the NPPF, it uses the definition found within the Town and Country Planning (Development Management Procedure) (England) Order 2015 for a playing field, which means the whole of a site which encompasses at least one playing pitch. The legislation defines a 'playing pitch' as *a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo*. Using this definition the proposal is not considered to result in the partial or total loss of a playing field or playing pitch.
- 10.18 Meeting the needs of current and future pupils within the school grounds is evidently a key benefit of this proposal. This would be in accordance with the aims of the National Planning Policy Framework, London Plan and Islington Development Management Policies which support proposals to enhance education provision.
- 10.19 Whilst it is acknowledged that the loss of the existing sandpit and partial loss of the playground counts against the scheme is regrettable, the benefits of the proposal to provide improved SEN facilities to the school is considered to outweigh this loss. This is particularly in the context of the limited loss against the overall total of existing outdoor playspace enjoyed by the school.
- 10.20 It is acknowledged that the proposal does not include the shared use of the facilities, outside of the pupils of the school, which is outlined within Policy DM4.12C. However, due to the specific provisions within this space and its limited size, this not considered to be reasonable in this case..
- 10.21 Therefore, in land use terms, it is considered that the expansion of the school facilities at this location would offer a number of policy benefits specific to this proposal, subject to compliance with the requirements of Policy DM4.12C, including the design and amenity impact which will assessed within the body of this report.

## **Design and Conservation**

- 10.22 Whilst the site is not within a conservation area nor is the site within proximity to any other heritage assets apart from the main school building which is locally listed building, which is non-designated heritage asset. Policy DM2.3E seeks to ensure 'Non-designated heritage assets, including locally listed buildings and shopfronts, should be identified early in the design process for any development proposal which may impact on their significance'.
- 10.23 Therefore, it is important that the proposal would be in keeping with the visual appearance of the host building to which the application relates, the setting of this non-designated heritage asset the and wider streetscene.
- 10.24 The design advice found within the Islington Urban Design Guide 2017 should be taken into consideration in the design assessment of the proposal.
- 10.25 The proposal would not be visible from public realm due its location within the site. However, it would be visible from the rear gardens of properties along Romilly Road and the proposal would be positioned along the shared boundary.
- 10.26 The proposal would largely replicate the design of the existing building to which the application relates. The extension would include a pitched roof, which would be connected by a flat roofed linking corridor. The roof of the proposed extension would match the ridge and eaves of the existing building.



**Image 9:** Proposed elevation drawings

- 10.27 The proposed fenestration details and use of materials (fibre cement roof tiles and timber cladding), including the removal of the existing garage door to the main part of the building (to allow for its use as a SEN sensory room) are considered to be in keeping with and largely replicate the visual appearance of the existing building to be extended.
- 10.28 The application site does include a locally listed building, a non-designated heritage asset, this is the main school building which is located to the opposite side and northeast of the site fronting Blackstock Road. Given the existing buildings, which are more modern additions, and the scale of the extension it would not significantly impact the visual appearance or setting of the locally listed building.

- 10.29 The proposal is considered to be in keeping with the visual appearance of the buildings within the application site and wider streetscene, and is considered compliant with policies CS8 and CS9 of the Islington Core Strategy (2011), DM2.1 and DM2.3 of Development Management Policies (2013) and D1 and D4 of the London Plan (2021), and is acceptable in design terms.

### **Neighbouring Amenity**

- 10.30 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 10.31 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.32 Policy D14 (part A) of the London Plan 2021 states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.33 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

#### *Daylight/Sunlight and outlook*

- 10.34 The nearest residential properties to the proposed extension are located along Romilly Road (no's 32 and 34). However, given the restricted height of the proposal, which would be single storey, together with the separation distance of 11.5m between the rear elevation of these properties and the shared boundary, it is not considered to result in any significant loss of daylight/sunlight or outlook to these properties.

#### *Privacy*

- 10.35 The proposal is not considered to result in any significant privacy issues to neighbouring properties over and above the existing situation. The only openings are located to the north east elevation which face on to the existing school site and would be alongside the existing openings on this elevation.

#### *Noise*

- 10.36 The proposal is not considered to result in any significant increase in noise to the surrounding area, given that it would be expansion of the existing facilities and it would not result in any increase in pupil or staff numbers. In addition, the applicant has confirmed that the use of the facilities would be used by small groups of around 6-10 children and up to 5 staff at any one time, and be restricted to the existing school hours between 8:30am – 4:00pm Monday to Friday.
- 10.37 In terms of the impact during the construction period, the scale would not ordinarily require the submission of Construction and Environmental Management Plan, which would be more appropriate for larger or more extensive forms of development. However, Islington Council has a code of practice for small-scale construction work and home improvements which developers need to abide by. The code of practice confirms that the hours of working that sites will be allowed to carry out noisy work between 8am and 6pm, Monday to Friday and 8am and 1pm, Saturdays. It recommends that noisy works must not take place outside of these hours including Sundays and

public and bank holidays. In the event that the noisy works were to be carried out outside of the recommended hours the Council's website has details of how to inform the Council's Environmental Health Team to investigate the complaint. An informative has been recommended to remind the applicant of the Council's code of conduct.

#### *Light Pollution*

- 10.38 Concerns have been raised in a representation in relation to the potential for light pollution to neighbouring properties and concerns that the proposal could include external lighting. The proposal does not include any external lighting and any proposed external lights or artificial illumination of the area would require planning permission, which would be subject to a separate application. As such, the proposal is not considered to result in any significant light pollution to the surrounding area, over and above the existing situation, given the proposed hours of use and that the proposal does not include any windows to the side or rear elevations.

#### Conclusion

- 10.39 Given the above assessment, together with the comments from the Council's Environmental Health Pollution Officer who has raised no objections to the proposal it is considered to have an acceptable impact on the amenity impact on neighbouring properties, and the proposal is considered to be compliant with Development Management Policies DM2.1.

#### **Landscaping, trees and biodiversity**

- 10.40 Policy DM6.5A seeks to ensure developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats.
- 10.41 The proposal would result in the loss of 2 no. existing planters, which are within the footprint of the proposed extension. The Council's Tree Officer has confirmed that the loss of these planters is acceptable. Therefore the proposal is considered compliant with the objectives of Policy DM6.5 and is acceptable in this regard.

#### **Accessibility**

- 10.42 Policy DM2.2 seeks to ensure that all developments demonstrate that they provide for ease of and versatility in use. The Council's Inclusive Design Officer reviewed the proposal and welcomed the improved provision generally which includes the addition of an accessible WC. Whilst the applicant decided not amend the proposal to take on board some recommendations by the Inclusive Design Officer regarding the entrance, the scheme has an acceptable level of accessibility and includes improvements to the layout of the building, such that it is considered acceptable in this case.

#### **Highways and Transport**

- 10.43 Policy DM8.2 seeks to ensure that development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. In this instance, the proposal would be used solely by the school and would not result in any increase in journeys, or pupil or staff numbers.
- 10.44 In addition, the site is in highly accessible location with excellent public transport provision (PTAL – 6b (the best)). It is considered that given the location of the site, the proposal is not required for the expansion of school numbers, and would not be used by external groups it would not result in any significant impact on the surrounding public highway network.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Whilst the loss of the existing school facilities in the form of a sandpit and part of the school playground are regrettable, the area of playground lost by the proposal is considered to be a relatively minor loss in the context of the outdoor provision within the site. Additionally when balanced against the principle of the expansion of the existing SEN school facilities, the proposal is considered acceptable in land use terms.
- 11.2 The proposed external alterations are considered to be in keeping with the visual appearance of the host building and wider application site and streetscene, and is considered acceptable in design terms.
- 11.3 The proposal is considered not to result in any significant loss of amenity to occupiers of neighbouring properties, in terms of loss of daylight/sunlight including light pollution, outlook, li or noise and disruption.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

That the grant of planning permission be subject to conditions to secure the following:

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>20.AMB.00.000/Rev.00 – Site Plan, 20.AMB.00.001/Rev.00 – Plans Existing, 20.AMB.00.002/Rev.00 – Plans Proposed, 20.AMB.00.003/Rev.00 – Elevations, Design and Access Statement dated 26/12/2021, Photographs 1 to 6,</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the application form. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Hours of use (Compliance)</b>
	<p>CONDITION: The hereby approved development shall only be used during school hours for teaching purposes between 8:30am – 4:00pm Monday to Friday, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

### List of Informatives:

<b>1</b>	<b>Public Protection code of practice</b>
	<p>The applicant would be expected to comply with Islington’s Public Protection Noise Service Code of Practice. Within the guidance, the Council allows building works that generate noise to be carried out between the hours:</p> <ul style="list-style-type: none"> <li>• 8am – 6pm (Monday to Friday)</li> <li>• 8am – 1pm (Saturday)</li> <li>• No audible building works on Sunday or Public Holidays</li> </ul>

## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1 National Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- National Planning Policy Framework 2019

### **2. Development Plan**

The new London Plan was adopted on the 2nd March 2021. The adopted London plan has now full weight and is it is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Therefore the Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2021 - Spatial Development Strategy for Greater London**

- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- Policy S1 Developing London's social infrastructure
- Policy S3 Education and childcare facilities
- Policy S4 Play and informal recreation
- Policy S5 Sports and recreation facilities

#### **B) Islington Core Strategy 2011**

- Policy CS8 Enhancing Islington's character
- Policy CS16 Play space

#### **C) Islington Development Management Policies 2013**

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM4.12 Social and strategic infrastructure and cultural facilities
- Policy DM6.1 Healthy developments
- Policy DM6.4 Sport and recreation
- Policy DM6.5 Landscaping, trees and biodiversity
- Policy DM8.2 Managing transport impacts
- Policy DM8.4 Walking and cycling
- Policy DM8.5 Vehicle parking

### **3. Designations**

- Locally Listed – Main school building
- Finsbury Park Core Strategy Key Area
- Finsbury Town Centre
- Article 4 Direction (A1-A2 – Town Centres)

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# Islington SE GIS Print Template



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P2020/2122/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	4 <sup>TH</sup> May 2021	<b>NON-EXEMPT</b>

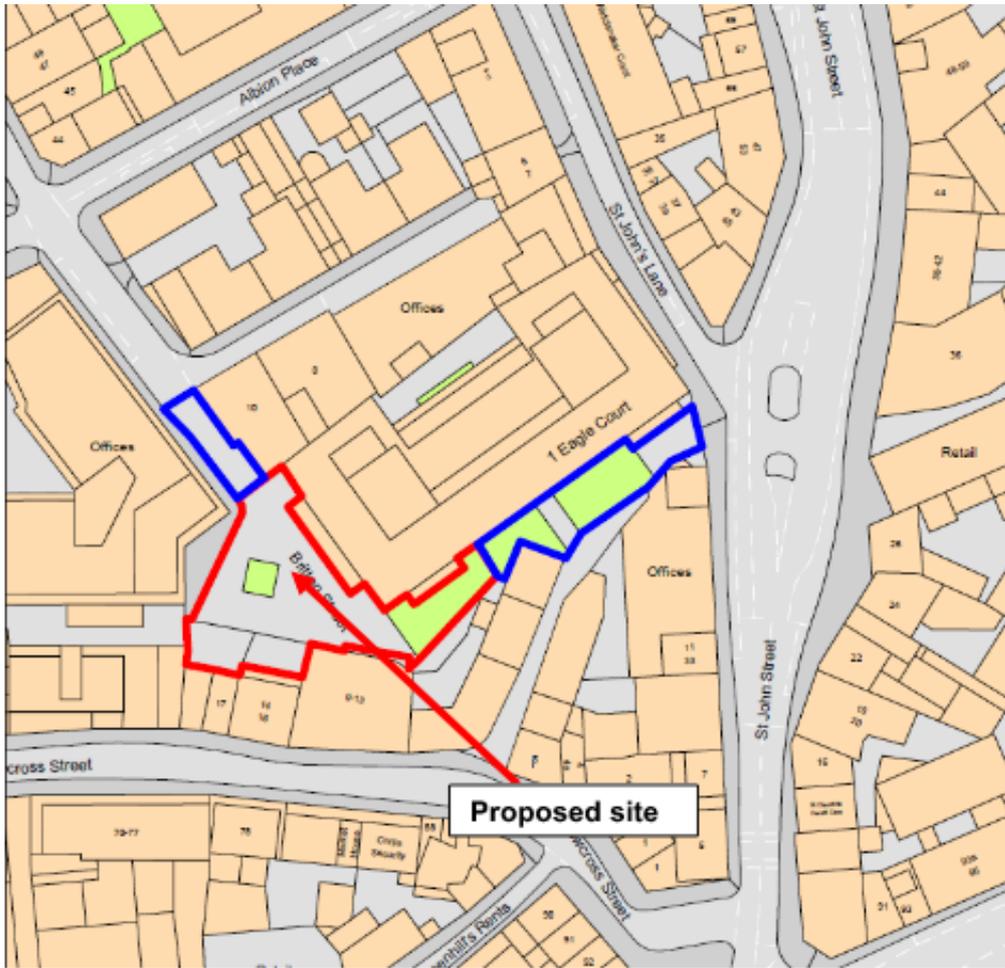
Application number	P2020/1390/FUL & P2020/1431/LBC
Application type	Full Planning Application & Listed Building Consent
Ward	Clerkenwell
Listed building	No
Conservation area	Clerkenwell Green
Development Plan Context	Central Activity Zone; Bunhill & Clerkenwell (Finsbury Local Plan); Employment Priority Area, Private Open Space, Archaeological Priority Area, Crossrail Safeguarding Area
Licensing Implications	None
Site Address	Land & Access Ways Rear of 13-27 Cowcross Street London EC1
Proposal	Routing of power cable from Denmark House in to Cowcross Yard and the installation of 7 no. in-ground power sockets.

Case Officer	Mr Ross Harvey
Applicant	Newsteer
Agent	Newsteer

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and Listed Building Consent subject to the conditions set out in Appendix 1.

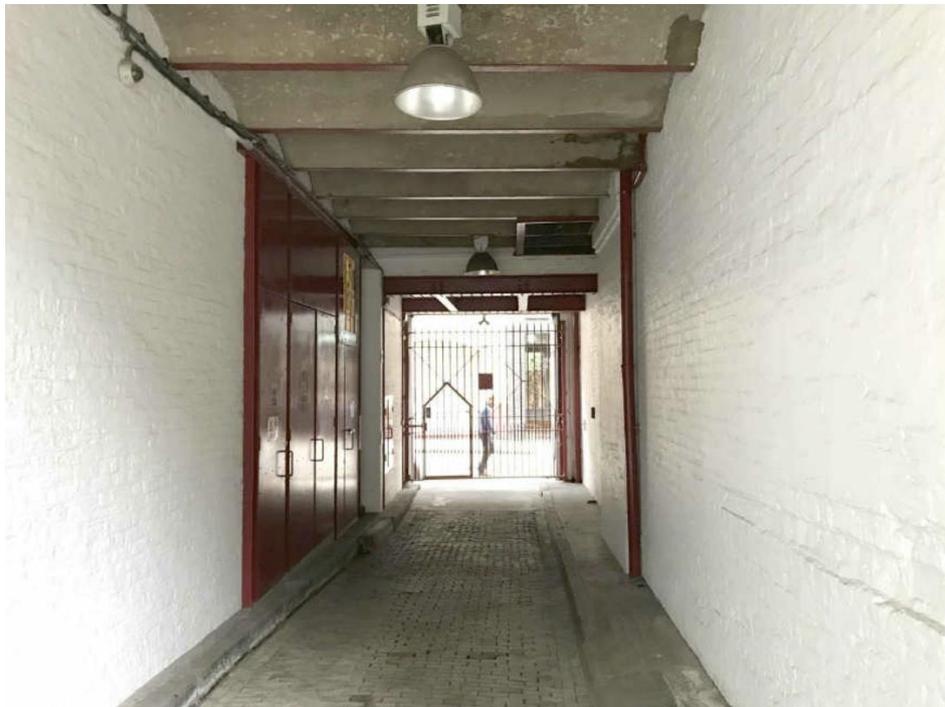
2. SITE PLAN (Outlined in red)



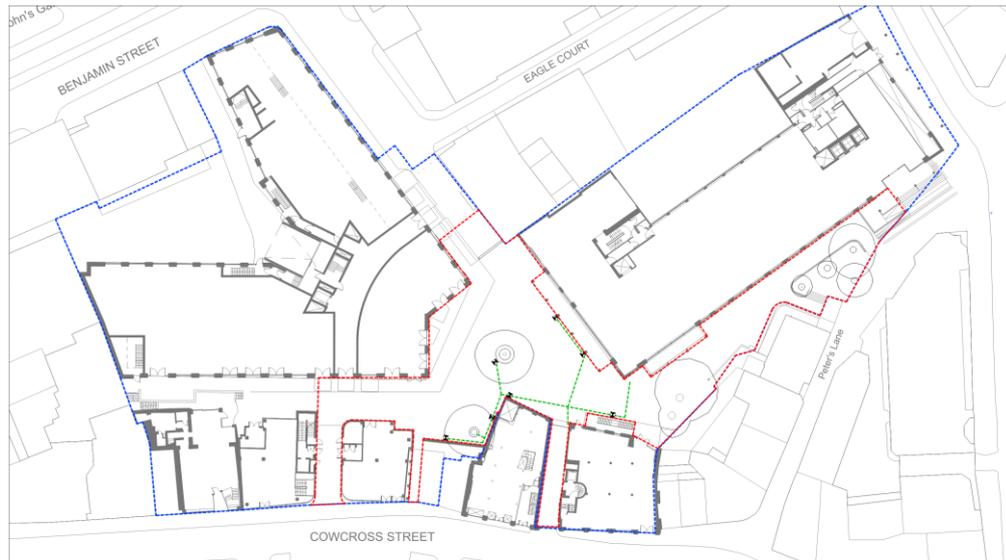
### 3. PHOTOS OF SITE



**Image 1:** Aerial view of the site



**Image 2:** View through Denmark House



**Image 3:** Proposed Site Plan showing cabling in green

#### 4. SUMMARY

- 4.1 Planning permission and listed building consent is sought for routing of power cable from Denmark House in to Cowcross Yard and the installation of 7 no. in-ground power sockets. The proposals relate to a separate planning application for the continued use of Cowcross Yard as an outdoor market currently under consideration (ref: P2020/1687/FUL).
- 4.2 Denmark House is a Grade II listed warehouse/workshop dating from 1878. Its significance includes its architectural design and materials, planform, evidential value as a late C19th commercial building and its townscape contribution, including its positive contribution to the character and appearance of the Clerkenwell Green Conservation Area. The Cowcross Yards area adjacent to Denmark House does not form part of its listing but is situated within the Clerkenwell Green Conservation Area.
- 4.3 The application is presented to committee due to its association with P2020/1687/FUL which is also referred to the Planning Sub-Committee. P2020/1687/FUL is for '*Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm*'. The proposed in-ground power sockets would allow electricity supply in connection with the pop-up food market that operates within Cowcross Yard.
- 4.4 The proposals are not considered to cause harm to the setting of the Grade II Listed Building (Denmark House) or the character and appearance of the Clerkenwell Green. The application has been consulted with the Design and Conservation Team who have not raised any objections to the proposals.
- 4.5 The routing of the power cable and its associated power supply to the vendors of the Cowcross Yard market would not be considered to prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies.

- 4.6 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.

## 5. SITE AND SURROUNDING

- 4.7 The application site is situated to the rear of Nos. 13-27 Cowcross Street and comprises a small triangular shaped open plaza approximately (800sqm in size) which serves as both a private open space and throughway from Britton Street (north-west) to Peter's Lane (north east). White Horse Alley connects the site from Cowcross Street (south) towards the north east where it intersects with the laneways of St.Peter's and St John's Lane at the junction with St John Street.
- 4.8 The area is a mixture of uses including office buildings, retail, restaurants and public houses. The nearest residential units are situated with the complex known as City Pavillion at 33 Britton Street which leads onto the open space. Further residential units are situated at 8-10 Eagle Court and Zinc House (19-25 Cowcross Street).
- 4.9 The site is within the Central Activity Zone and is also an Employment Priority Area. It lies within Clerkenwell Green Conservation Area with several Grade II Listed Buildings situated within the immediate area including Nos 9-13, 14-16 and 27-27 Cowcross Street. The area is also Archaeological Priority Area and Crossrail Safeguarding Area.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission and listed building consent for the routing of a power cable from Denmark House in to Cowcross Yard and the installation of 7 no. in-ground power sockets.
- 6.2 The proposals would facilitate electricity supply in connection with the food market that operates within Cowcross Yard.
- 6.3 It is proposed to run a new electrical feed from the mains board through the existing opening in the wall within Denmark House, along the top of the alley way and down the end wall where it would run underground in-to the yard. The cabling would be affixed to the walls of the alley way using stainless steel screws and wall plugs within the mortar joints. Where the alleyway meets the yard, the cable would be laid in an underground trench and will power seven, in ground pop-up power units across the yard. The surface of the yard will be made good with the existing floor finishes being reinstated post development works and external face of the power units will also be finished to match the existing hard surface within the yard. The power sockets themselves would be concealed below the surface of the yard.
- 6.4 The proposals utilise an existing opening within the wall of Denmark House, ensuring that no historic fabric will be lost by the routing of the proposed cable.

## 7. RELEVANT HISTORY:

### *Planning Applications*

- 7.1 **P2020/1687/FUL** - Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only (**Under Consideration**)

- 7.2 **P2020/1143/FUL** - Proposed replacement permanent public seating (**Granted 21/10/2020**)
- 7.3 **P2020/1142/FUL** - Proposed lighting installations within alleyways between 18 - 19 and 19 - 25 Cowcross Street (**Granted 03/07/2020**)
- 7.4 **P2020/1141/ADV** - Advert Consent for the display of 2 X non-illuminated fascia signs fronting Cowcross Street, 1 X free standing non-illuminated gantry sign and 1no. non-illuminated wall mounted sign (**Granted 21/10/2020**)
- 7.5 **P2019/1868/FUL & P2019/2884/LBC** - Installation of 10no. lighting frames within alley between 9-13 and 14-16 Cowcross Street and the installation of 2no. anchor plates along the rear elevation of 14-16 Cowcross Street (**Granted 10/03/2020**)
- 7.6 **P2019/0983/ADV & P2019/1119/LBC** - Wall to rear of 14-16 Cowcross Street Advertising mural applied to existing rear boundary walls of the properties at nos. 14-16, 17 and 18 Cowcross Street. The mural would front the White Horse Alley (**Granted 17/10/2019**)
- 7.7 **P2019/0747/FUL** - Public seating consisting of three groups of multi-coloured timber box structures (**Withdrawn by the Applicant**)
- 7.8 **P2016/3449/FUL** Use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only. (**Granted 07/07/2017**)

#### *Enforcement*

- 7.9 **E/2020/004** Breach of conditions 2 & 5 of planning application reference P2019/1744/FUL. **Completed 22/06/2020**
- 7.10 **E/2019/032** More stalls than 4 being set up at any one time in breach of condition (4) and breaches of conditions (6) and (8) of P2019/1744/FUL. **Completed 25/11/2019**

#### **Public Consultation**

- 7.11 Letters were sent to occupants of 270 adjoining and nearby properties at Britton Street, St John's Lane, Cowcross Street and Eagle Court on the 16th June 2020.
- 7.12 A site notice and press advert was also displayed on the 18th June 2020. The consultation period expired on the 12<sup>th</sup> August 2020 and at the time of writing this report, 2 objections have been received from the public with regards to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Power sockets will likely allow additional market vendors and increase the noise and rubbish issues associated with the ongoing use of the market. (**Amenity issues are addressed from paragraph 9.12**)
  - The proposals facilitate the permanent use of the area as a market which is harmful to neighbouring residents and harmful to the character of the area (**Officer Comment: The continuation of the market use is subject to a separate application ref: P2020/1687/FUL. Further commentary has been provided on this matter from paragraph 9.12 below**)

## **Internal Consultees**

7.13 **Design and Conservation:** No objections to the proposal.

## **External Consultees**

7.14 **Crossrail:** Crossrail Limited do not wish to make comments on this application as submitted.

## **8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

8.1 The National Planning Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance)

8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

8.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

8.4 Since March 2014 Planning Practice Guidance for England has been published online.

8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications is taking place from 19 March to 9 May.
- 8.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 8.13 The emerging policies relevant to this application are set out below:
- Policy H1 Thriving Communities
  - Policy T1 Enhancing the Public Realm and Sustainable Transport
  - Policy T5 Delivery, Servicing and Construction
  - Policy S1 Delivering Sustainable Design.

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Design & Conservation
- Neighbour Amenity

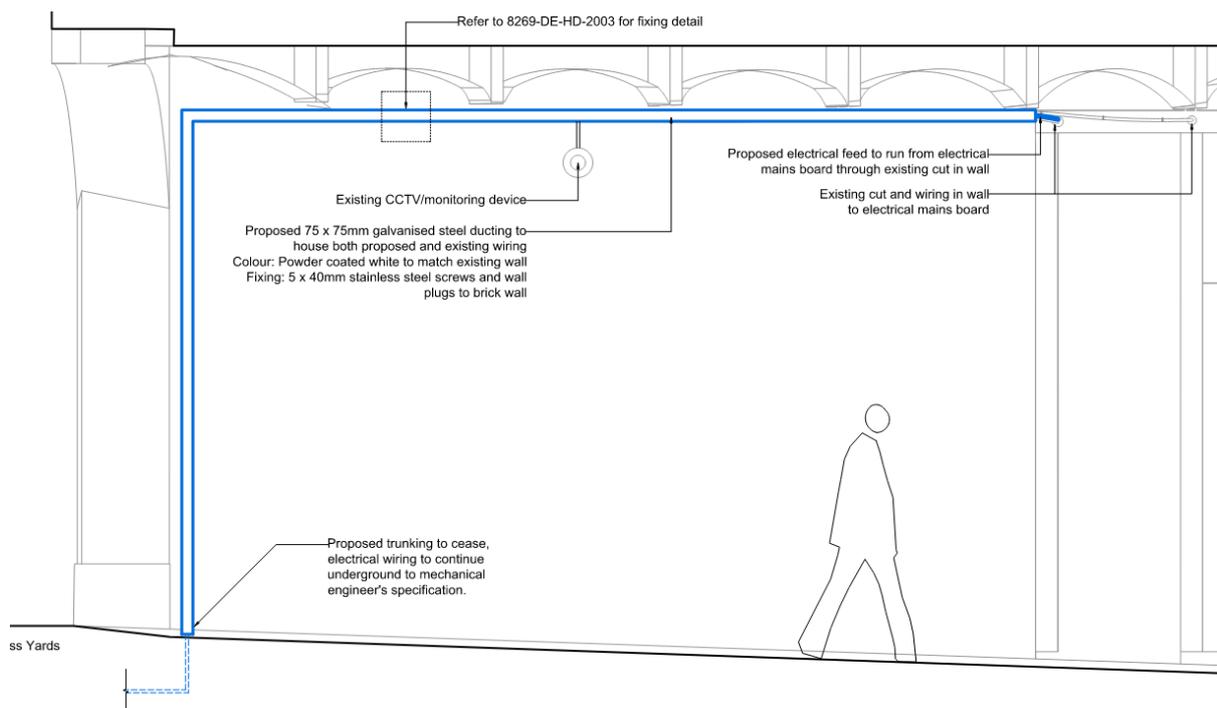
### **Design, Conservation and Heritage Considerations**

- 9.2 The site is situated within Clerkenwell Green Conservation Area and as such the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. There is also a Grade II Listed Building in the immediate area (Nos 9-13, 14-16 and 27-27 Cowcross Street) and as such the LPA has a statutory duty to consider the development in the context of a listed building or its setting and to have special regard to preserving or enhancing its visual appearance and its historic character.
- 9.3 In terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 9.4 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'. Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 9.5 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'
- 9.6 Denmark House is a Grade II listed warehouse/workshop dating from 1878. Its significance includes its architectural design and materials, planform, evidential value as a late C19th commercial building and its townscape contribution, including its positive contribution to the character and appearance of the Clerkenwell Green Conservation Area.
- 9.7 There is little physical alteration to Denmark House associated with the proposal. The electric cabling is fed through an existing opening within the west facing wall of the building (within an alleyway), the size of which remains the same. The fixings themselves will be limited to anchor points attached through existing mortar, which means that the alterations will not harm brickwork and are reversible.
- 9.8 The paving where the proposed power sockets would be inserted is not historic (it is c.1990s cement brick). The location and design of the proposed sockets within the ground surface are not considered to cause harm to the character and appearance of the conservation area as they will be closed under brick-faced covers when not in use.
- 9.9 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent conservation area. The proposal is not considered to cause harm to the character nor the appearance of the conservation area as no external alterations are proposed. The surface of the yard will be made good with the existing floor finishes being reinstated post development works and external face of the power units will also be finished to match the existing hard

surface within the yard. The power sockets themselves would be concealed below the surface of the yard.



**Image 4:** Proposed power unit closed (left) and open (right)



**Image 5:** Proposed cable through Denmark House

9.10 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

- 9.11 Overall, the proposed works will not cause harm to the historic plan form, will involve minimal loss of historic fabric and will not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed works will not adversely affect the special architectural or historic interest of the listed building. The proposal is, therefore, considered to satisfy the objectives of the policies listed below, in particular Chapter 16 of the NPPF (2019) which seek to conserve and enhance the historic environment, policy 7.8 of the London Plan 2016 which seek to preserve and enhance the significance of heritage assets as well as the provisions of policy CS9 of Islington's Core Strategy 2011 which seek to protect and enhance Islington's built and historic environment and policy DM2.3 of Islington's Development Management Policies which seeks to protect and enhance Islington's historic environment.

### **Neighbour Amenity**

- 9.12 Policy DM2.1(x) seeks to ensure developments provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 9.13 Representations have been received relating to the ongoing use of the market. A separate application to extend the temporary consent period for the operation of the market has been submitted and referred to Planning Sub-Committee A (ref: P2020/1687/FUL). The impacts of the proposed market stalls and the overall management of the site have therefore been assessed by officers as part of that application. Notwithstanding this, the market has been in operation for a period in excess of three years with the Environmental Pollution, Policy & Projects Team confirming that no complaints have been received. Should planning permission be granted for the continued use of the market conditions will be included requiring compliance with an approved Operational Management Plan ensuring the proposals do not result in significant noise, odour and impacts on neighbouring residents.
- 9.14 At present it is understood that external power generators are required for individual stalls, which result in some level of noise generation. It is therefore anticipated that the use of in built power sockets available throughout the market would result in a reduction of noise impact to neighbouring properties.
- 9.15 It is considered that the routing of the power cable and the installation of in ground power sockets would not harm the amenities of neighbouring occupiers in terms of noise generation, odour and visual amenity.
- 9.16 On this basis, it is considered that the proposed market would not detrimentally impact upon the amenity of the neighbouring occupiers. The proposal is therefore considered to accord with policy DM2.1 which requires development to provide good level of amenity.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 9.17 A summary of these proposals is set out within paragraphs 4.1 to 4.6 of this report.
- 9.18 Planning permission and listed building consent is sought for routing of power cable from Denmark House in to Cowcross Yard and the installation of 7 no. in-ground power sockets. The proposals relate to a separate planning application for the continued use of Cowcross Yard as an outdoor market currently under consideration (ref: P2020/1687/FUL).
- 9.19 The application is presented to committee due to its association with P2020/1687/FUL which is also referred to the Planning Sub-Committee. P2020/1687/FUL is for 'Continuation of the use

of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm'. The proposed in-ground power sockets would allow electricity supply in connection with the pop-up food market that operates within Cowcross Yard.

- 9.20 The proposals are not considered to cause harm to the setting of the Grade II Listed Denmark House or the character and appearance of the Clerkenwell Green nor would the proposals prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies.
- 9.21 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.

### **Conclusion**

- 9.22 It is recommended that planning permission be granted subject to conditions set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission and Listed Building Consent be approved subject to conditions to secure the following

#### List of Conditions P2020/1390/FUL:

<b>1</b>	<p><b>3 Year Consent Period</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>APPROVED PLANS LIST</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Dwg 8269-DE-HD-2001; Dwg 8269-PL-GA-1001; Dwg 8269-DE-HD-2002; Dwg 8269-DE-HD-2003; Westminster In Ground Unit; Covering Letter by Newsteer.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Material Compliance</b></p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

#### List of Conditions P2020/1431/LBC:

<b>1</b>	<p><b>3 YEAR CONSENT PERIOD FOR LBC</b></p> <p>CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>3</b>	<p><b>ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE)</b></p> <p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1. National and Regional Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2019)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2021 - Spatial Development Strategy for Greater London**

Policy D4 Delivering good design

#### **B) Islington Core Strategy 2011**

Policy CS8 Enhancing Islington's character

Policy CS9 Protecting and enhancing Islington's built and historic environment

#### **C) Development Management Policies June 2013**

DM2.1 Design

DM2.3 Heritage

#### **D) Finsbury Local Plan 2013**

BC7 Historic Clerkenwell

BC8 Achieving a balanced mix of uses

### **3. Designations**

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Finsbury Local Plan Area
- Conservation Area
- Local views
- Open Space
- Archaeological Priority Area
- Core Strategy Key Area
- Conservation Area
- Central Activities Zone

#### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

##### *Islington*

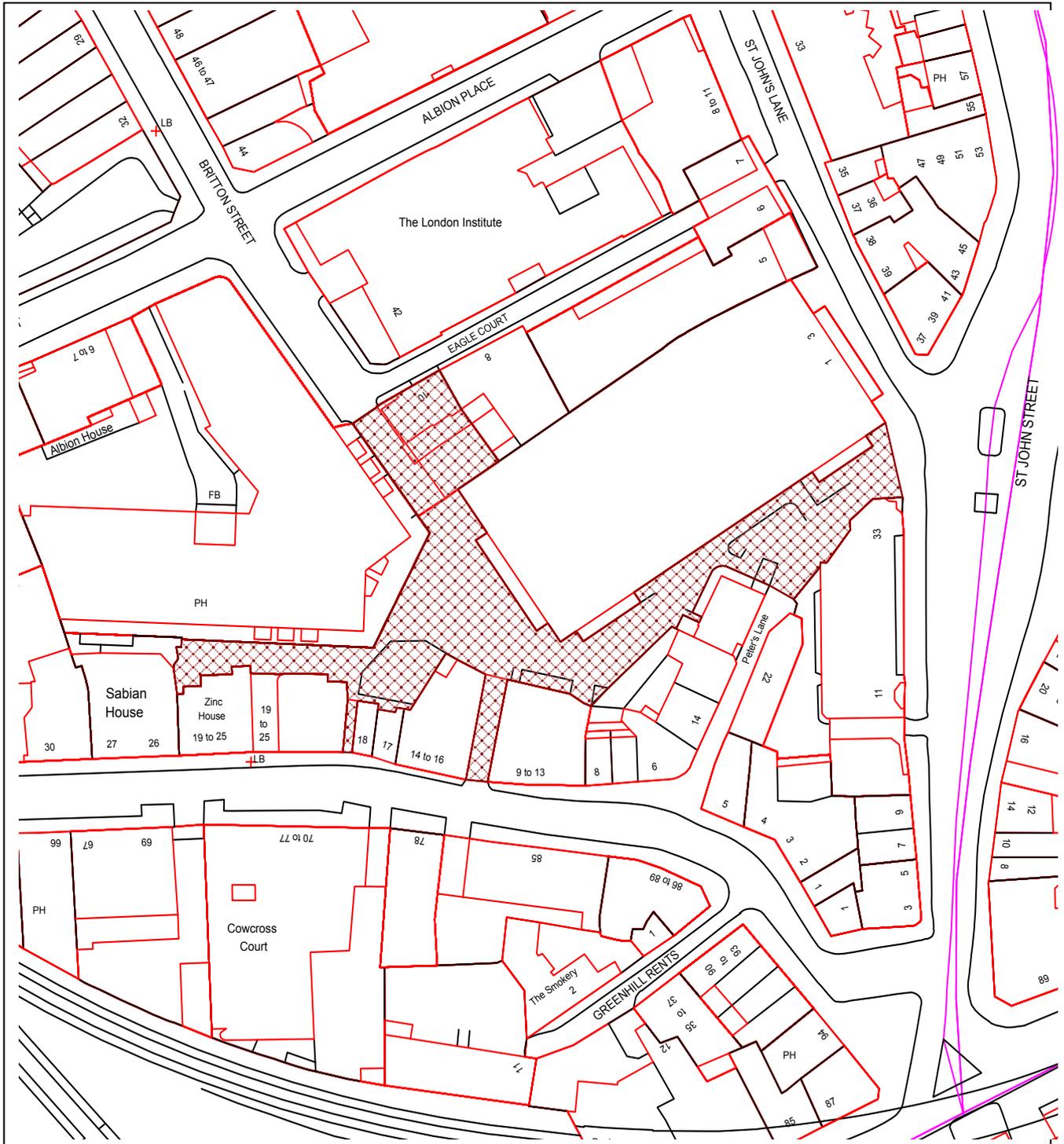
- Conservation Area Design Guidelines
- Urban Design Guide

##### *London Plan*

- Planning for Equality and Diversity in London

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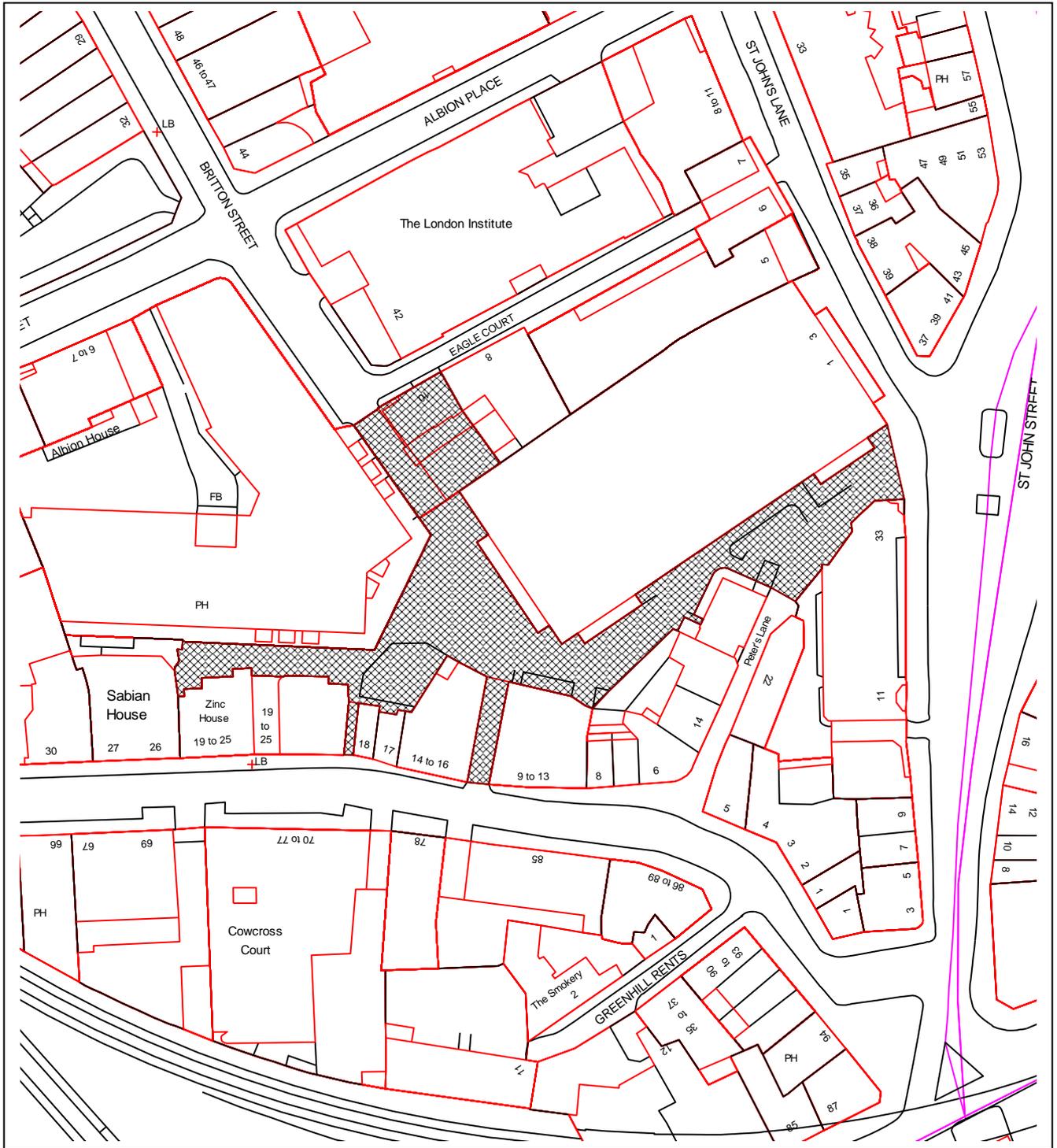
# Islington SE GIS Print Template



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P2020/1390/FUL

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# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Community Wealth Building

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	4 <sup>th</sup> May 2021	<b>NON-EXEMPT</b>

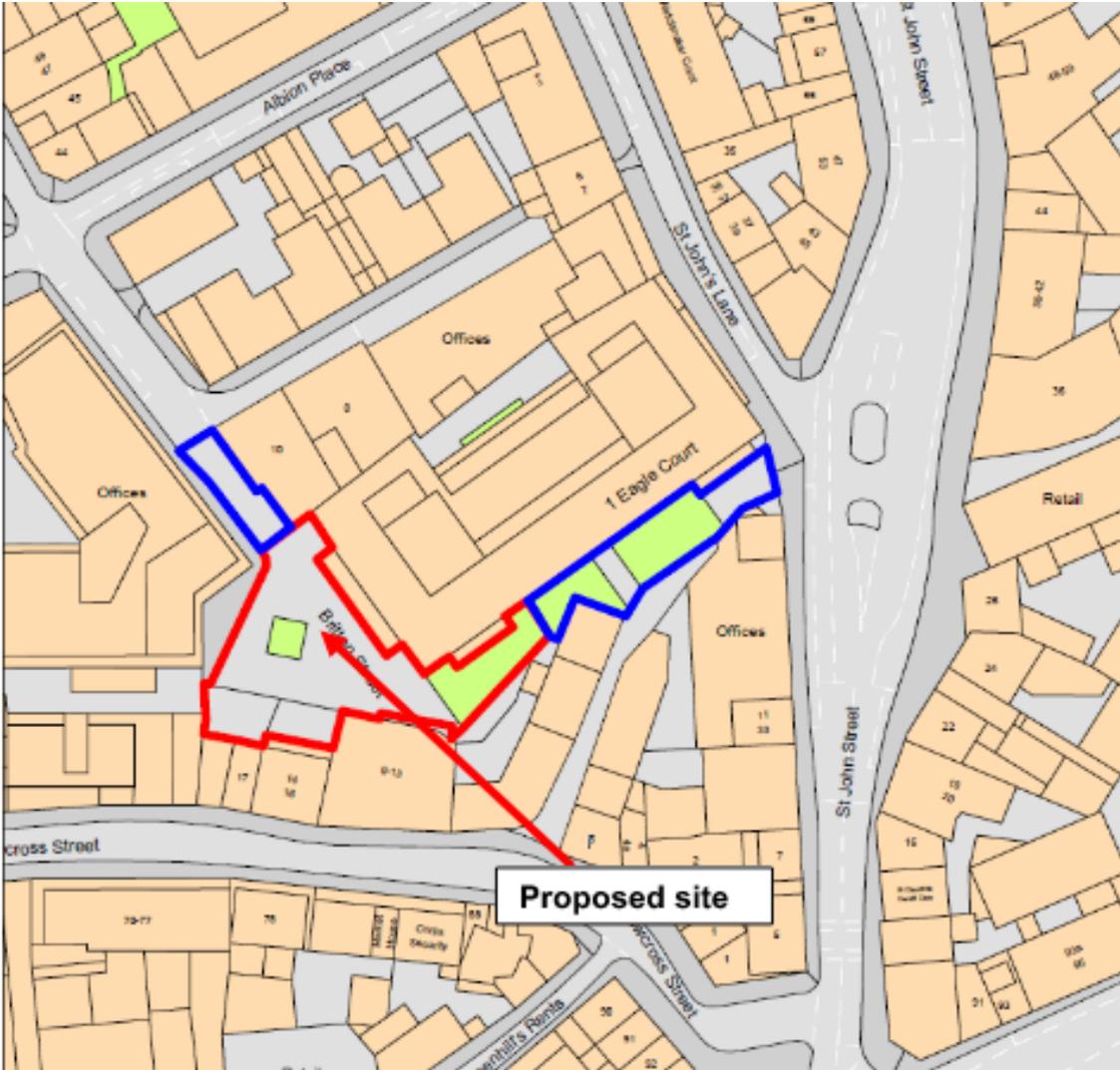
Application number	P2020/1687/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	No
Conservation area	Clerkenwell Green
Development Plan Context	Central Activity Zone; Bunhill & Clerkenwell (Finsbury Local Plan); Employment Priority Area, Private Open Space, Archaeological Priority Area, Crossrail Safeguarding Area
Licensing Implications	None
Site Address	Land & Access Ways Rear of 13-27 Cowcross Street London EC1
Proposal	Continuation of the temporary use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week for a further 3 years. (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19) for a period of three years. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

Case Officer	Mr Ross Harvey
Applicant	Newsteer
Agent	Newsteer

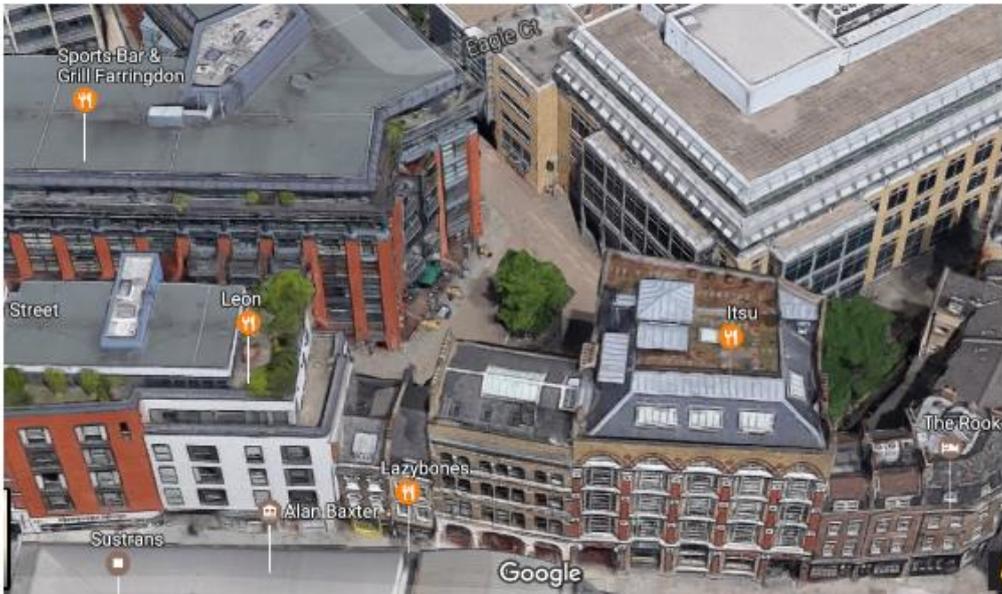
### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (Outlined in red)



### 3. PHOTOS OF SITE



**Image 1:** Aerial view of the site



**Image 2:** View of the Market taken from the edge of Briton Street.



**Image 3:** View of private open plaza from rear of 13-27 Cowcross Street

#### **4. SUMMARY**

- 4.1 Planning permission is sought to continue the temporary use of the external plaza area for a food market of up to a maximum of 13 stalls for a (maximum) of 3 days per week for a period of three years. The market would operate on Tuesdays, Wednesdays and Thursdays between 9.00am and 4.00pm with food cooked and served between 11.00am and 2.30pm only.
- 4.2 The application submitted is a resubmission of two previously approved temporary consents which allowed for the operation of the market for a maximum period of 2 years (ref: P2019/1744/FUL & P2016/3449/FUL). The current submission is similar in layout/number of stalls to the two previous applications and seeks to continue the use of the plaza area as a market for a further period of up to 3 years.
- 4.3 The application is presented to committee due to the number of objections received raising material planning issues. During the consultation, a total of 7 objections and 1 letter of support were received. The main issues highlighted include noise, disturbance, smells, hours of operation and parking issues. A summary of the objections raised is highlighted in section 8.2. The use and overall layout would be acceptable in principle and would not impact on the character and appearance of the conservation area or the setting of surrounding listed buildings.
- 4.4 No objections have been received from the Council's Street Trading; Environmental Health; Refuse Control' or Pollution Control Teams. The use is considered conducive to the central location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar as undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies.
- 4.5 A temporary period of 3 years has been sought by the applicant. The previous permission had given a 2-year consent to allow a substantial period of time to monitor the use in terms of operating times, waste management control, traffic and operational management controls. As no significant concerns have been identified by internal/external consultees during the consultation period and from the previous two-year operational period, officers consider that a further 3-year temporary consent is reasonable in this instance.

- 4.6 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved

## 5. SITE AND SURROUNDING

- 4.7 The application site is situated to the rear of Nos. 13-27 Cowcross Street and comprises a small triangular shaped open plaza approximately (800sqm in size) which serves as both a private open space and throughway from Britton Street (north-west) to Peter's Lane (north east). White Horse Alley connects the site from Cowcross Street (south) towards the north east where it intersects with the laneways of St.Peter's and St John's Lane at the junction with St John Street.
- 4.8 The area is a mixture of uses including office buildings, retail, restaurants and public houses. The nearest residential units are situated with the complex known as City Pavillion at 33 Britton Street which leads onto the open space. Further residential units are situated at 8-10 Eagle Court and Zinc House (19-25 Cowcross Street).
- 4.9 The site is within the Central Activity Zone and is also an Employment Priority Area. It lies within Clerkenwell Green Conservation Area with several Grade II Listed Buildings situated within the immediate area including Nos 9-13, 14-16 and 27-27 Cowcross Street. The area is also an Archaeological Priority Area and Crossrail Safeguarding Area.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission to use the external plaza area known as Cowcross Estate for a food market for a maximum of 3 days a week – Tuesdays, Wednesdays and Thursdays only. This application is for a continuation of the temporary 2-year consent granted in 2017, which was renewed in 2019.
- 6.2 The market would continue to operate a maximum of 13 stalls with the market operating between 9.00am and 4.00pm each permitted day. As previously agreed, the cooking of food would take place between 11.00am and 2.30pm only. The applicant does, however, seek to serve cold drinks and heated food outside the cooking times to allow customers to use the market earlier and later in the day.
- 6.3 The market will be run by a specialist food operator (Urban Food Fest) under the same restrictions and conditions as the existing market.
- 6.4 Each stall would measure 3m x 3m (where a gazebo is proposed) or between 3.5 to 5m long x 2.5m width (where a vehicle is proposed) and would be positioned to maintain the throughway access between Britton Street, White Horse Alley and Peters Lane. In terms of servicing, unloading and loading will be available Britton Street, Peter's Lane (St John's Lane) and Cowcross Street entrances, subject to available kerbside space for a light panel van to park. It is proposed that each stall would take 20 minutes to unload and load with a maximum of 4 vans unloading at a time.

## 7. RELEVANT HISTORY:

### *Planning Applications*

- 7.1 **P2020/1390/FUL & P2020/1431/LBC** - Routing of power cable from Denmark House in to Cowcross Yard and the installation of 7 no. in-ground power sockets (**Under consideration**)
- 7.2 **P2020/1143/FUL** - Proposed replacement permanent public seating (**Granted 21/10/2020**)

- 7.3 **P2020/1142/FUL** - Proposed lighting installations within alleyways between 18 - 19 and 19 - 25 Cowcross Street (**Granted 03/07/2020**)
- 7.4 **P2020/1141/ADV** - Advert Consent for the display of 2 X non-illuminated fascia signs fronting Cowcross Street, 1 X free standing non-illuminated gantry sign and 1 no. non-illuminated wall mounted sign (**Granted 21/10/2020**)
- 7.5 **P2019/1868/FUL & P2019/2884/LBC** - Installation of 10no. lighting frames within alley between 9-13 and 14-16 Cowcross Street and the installation of 2no. anchor plates along the rear elevation of 14-16 Cowcross Street (**Granted 10/03/2020**)
- 7.6 **P2019/0983/ADV & P2019/1119/LBC** - Wall to rear of 14-16 Cowcross Street Advertising mural applied to existing rear boundary walls of the properties at nos. 14-16, 17 and 18 Cowcross Street. The mural would front the White Horse Alley (**Granted 17/10/2019**)
- 7.7 **P2019/0747/FUL** - Public seating consisting of three groups of multi-coloured timber box structures (**Withdrawn by the Applicant**)
- 7.8 **P2016/3449/FUL** Use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only. (**Granted 07/07/2017**)

#### *Enforcement*

- 7.9 **E/2020/004** Breach of conditions 2 & 5 of planning application reference P2019/1744/FUL. **Completed 22/06/2020**
- 7.10 **E/2019/032** More stalls than 4 being set up at any one time in breach of condition (4) and breaches of conditions (6) and (8) of P2019/1744/FUL. **Completed 25/11/2019**

***Officer Comment: Planning Enforcement Comments provided below with regards to the closed enforcement cases.***

#### **Public Consultation**

- 7.11 Letters were sent to occupants of 218 adjoining and nearby properties at Britton Street, St John's Lane, Cowcross Street and Eagle Court on the 24th July 2020.
- 7.12 A site notice and press advert were also displayed on the 30th July 2020. The consultation period expired on 23<sup>rd</sup> August 2020 and at the time of writing this report, 7 objections have been received as well as 1 letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Noise disturbance from the use. (**Noise issues are addressed from paragraph 9.45**)
  - No cars should be permitted to park in the plaza (**Transport issues are addressed from paragraph 9.29**)
  - Object to the use of food trucks which are larger than the gazebos and impact the appearance of the area and are less likely to be local. No vehicles should be allowed within the pavilion (**Design and Character issues addressed from paragraph 9.12**)
  - Weekend cleaning of the piazza should be conditioned (**waste management and cleaning addressed from paragraph 9.36**)
  - Use of noisy mobile power generators are disruptive to local residents (**noise issues are addressed from paragraph 9.45**)

- 13 stalls are too many and disrupt the licence area and deliveries to adjacent commercial properties (**Neighbour amenity issues addressed from paragraph 9.43**)
- No basis for a market in a residential area (**Neighbour amenity issues addressed from paragraph 9.43**)
- Rubbish and waste issues within the piazza due to the market activity (**waste management and cleaning addressed from paragraph 9.36**)
- Vehicles will impact parking availability and traffic flow within Britton Street which is residential (**Transport issues are addressed from paragraph 9.29**)
- No information has been submitted regarding crowding/hygiene and possible spread of Coronavirus (**COVID 19 implications addressed from 9.51**)
- Incorrect assertions in the Transport Statement implying that there are not many residential properties within the immediate area (**Transport issues are addressed from paragraph 9.29**)
- Use of private passageway beneath Denmark House as a public thoroughfare will result in potential anti-social behaviour. (**Addressed under paragraph 9.55**)
- Use will lead to more pedestrian and vehicle traffic (**Transport issues area addressed from paragraph 9.29**)

### **Internal Consultees**

7.13 **Planning Policy:** No objections raised during previous submissions.

7.14 **Public Protection:** Not aware of any noise complaints. The EPPP team have no objections.

*Officer Comment: Conditions were recommended by the Acoustic Officer during P2019/1744/FUL, including limiting the hours of operation of the market and an Operational Management Plan to be submitted. These conditions have been replicated given the similarities between the current application and the recent temporary permission.*

7.15 **Environmental Health:** No objections. Sought clarification regarding the water source in the market and whether traders had to bring their own.

*Officer Comment: the Market Operational Management Plan submitted with the application confirmed that there will be a water supply on site, however, all traders will be responsible for bringing a supply of water as per their requirements*

7.16 **Street Trading:** No objections.

7.17 **Licensing:** Comments from P2019/1744/FUL: The premises would not require a premises license unless they are selling alcohol. If that is the case and the market is every week, the land owner would have to apply for full Premises License.

7.18 **Design and Conservation:** No objections to the proposal. Historically this is one of the main market areas of London and such uses are welcomed

7.19 **Inclusive Design and Transport Planning:** No objections in Inclusive Design terms and the layout appears acceptable. However, clarification needed on planning statement point 5.15: Clarification was sought whether vehicular access to the plaza was sought for unloading. **OFFICER COMMENT: The submitted Transport Statement confirms that no changes are proposed to the existing market's operational practice from the previous planning permissions.**

- 7.20 **Planning Enforcement:** Concerns raised by the public in relation to noise nuisance and illegal parking generated when the market is operating. The noise issue could not be established by Enforcement Officers and the illegal parking is not a matter that could be controlled by planning. The last enforcement case file was closed in December 20.

*The concerns reported relate to noise emanating from generators when the market stalls are in situ. The food market at this site was permitted to operate under a temporary planning permission (Ref.:P2019/1744/FUL) which expired 01 August 2020. There were no planning conditions to control noise level. A further planning application (P2020/1143/FUL) has been submitted since April 2020 but has remained undetermined. Notwithstanding the above, pursuant to Class B of Part 4, Class BA of Part 12 (The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020) under "additional temporary use of land during the relevant period" the land in question can operate as a temporary market without planning permission between 1st July 2020 to 31st December 2020. Within this context, it would appear that the use of the market is permitted and no breach of planning control has occurred. Any noise issue would have to be dealt with under Environmental Health regulations*

### **External Consultees**

- 7.21 **Secure by Design Officer:** No objections or comments on P2019/1744/FUL
- 7.22 **London Underground Infrastructure Protection:** No comments to make on this application
- 7.23 **Crossrail:** Crossrail Limited do not wish to make comments on this application as submitted
- 7.24 **Transport for London:** TFL has no strategic transport comments to make
- 7.25 **Network Rail:** No observations or comments to make.

## **8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 8.1 The National Planning Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.

- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications is taking place from 19 March to 9 May.

8.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

8.13 The emerging policies relevant to this application are set out below:

- Policy H1 Thriving Communities
- Policy T1 Enhancing the Public Realm and Sustainable Transport
- Policy T5 Delivery, Servicing and Construction
- Policy S1 Delivering Sustainable Design

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design & Conservation
- Operation Management and Transport Issues
- Neighbour Amenity
- Other Issues

### Land Use

9.2 The proposal is situated to the rear of Cowcross Street and comprises a private plaza that is also used as a pedestrian thoroughway. The thoroughway links pedestrians across the plaza from Britton Street via Horse Lane Alley onto Cowcross Street and from St Johns Lane/Peter's Lane onto St. John Street. The plaza site is surrounded by a mixture of commercial/residential and office buildings that enclose the site and protects the space from the busier routes of Cowcross Street to the south and St Johns Street situated to the north east.

9.3 Policy E9 of the London Plan 2021 deals specifically with retail, markets and hot food takeaway. Under part C (5) of this policy, it states '*...support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets, complementing other measures to improve their management, enhance their offer and contribute to local identity and the vitality of town centres and the Central Activities Zone*'.

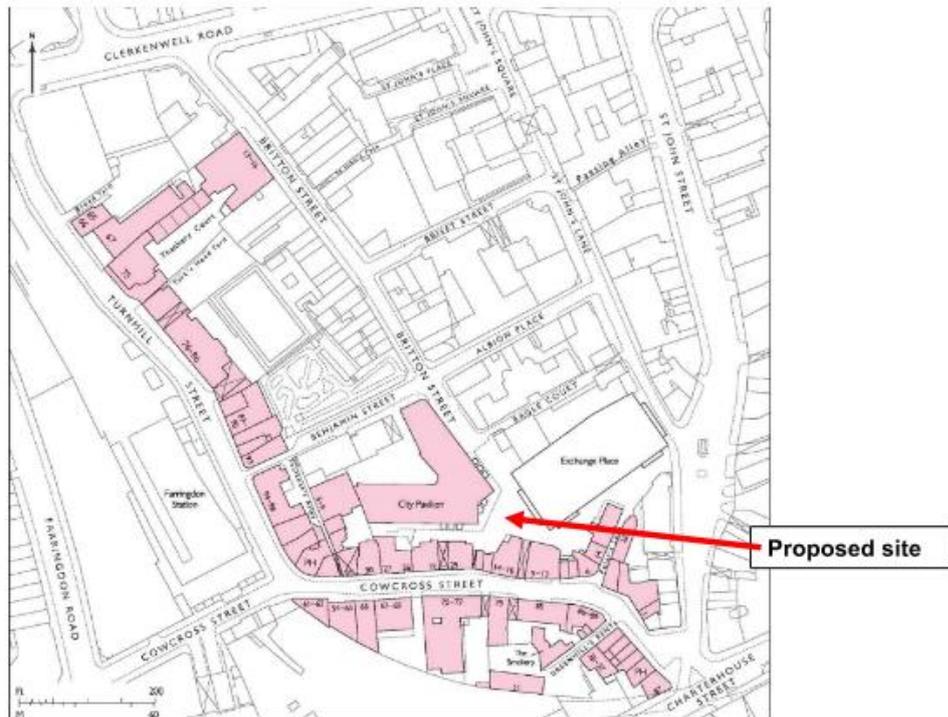
9.4 The Council's local policies are also supportive of markets that continue to provide additional retail/service function within the Central Activities Zone. Street markets add to the character of local areas. Development Management Policy DM4.9 is specific to markets and specialists shopping areas. It states that the council will seek to maintain existing traditional street markets. It highlights markets as popular with shoppers and visitors due to their vibrancy and range of goods to offer. This is also supported by policies CS7 (Bunhill and Clerkenwell) of the Core Strategy which encourages tourist related development that promotes visitor economy. CS14 (Retail and services) also states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.

- 9.5 The Finsbury Local Plan BC7 (Historic Clerkenwell) places a strong emphasis on heritage-led development that reinforces its uniqueness, integrity and socio-cultural value. It focuses on individual spaces which present opportunities for creating additional public space by transferring underused roads and parking areas into pedestrian use. Such improvements must aim to maximise the use and vitality of the space in a manner that reinforces the character and economy of the local area. This may incorporate spaces suitable for entertainment and events, markets, outdoor seating area.
- 9.6 The Draft Islington Local Plan Policy seeks to maintain, and support the enhancement of, existing markets within the borough. It also states that 'New markets are encouraged in Town Centres and appropriate locations in the CAZ, where they support and enhance the function of a specific locality and do not adversely impact any predominant 'bricks-and-mortar' based uses'.
- 9.7 The subject space is privately owned and situated in an area of Clerkenwell that has historic links to market activity. Currently the space is used by both local residents who live in the buildings nearby including City Pavillion, 8-10 Eagle Court and Zinc House (19-25 Cowcross Street) and office workers who work locally. The space remains an important private open space to those who reside and work in the area. The proposal would continue to maintain the space as an amenity area and whilst also providing a commercial activity for a limited period within the week. The layout of the stalls ensures the central plaza remains uninterrupted and this space would remain available as an amenity area. The proposed market would operate a maximum of 3 days a week between the hours 9am and 4pm. This is considered acceptable in terms of days and hours of operation given its location within the Central Activity Zone and within an Employment Priority Area. It must also be noted that the market would not operate at the weekends and the space will function entirely as a private open space to local residents and visitors to the area.
- 9.8 The market as proposed generally complies with both London Plan (2021) and local plan policies. As noted, the Finsbury Local Plan seeks to ensure heritage led development is reinforced and focuses on presenting opportunities in underused areas with an aim of maximising the use and vitality of these spaces whilst reinforcing the character of the local area. The proposal does provide an opportunity to improve pedestrian use by local residents, workers, tourists and visitors to the area through providing greater active use to the space. It would add a secondary commercial function in a safe and secure area which provides a wider choice of food to visitors and people who live, work and study in the borough.
- 9.9 The site is also situated to the rear of Cowcross Street. Historically, Cowcross Street evolved as a market area over the centuries. It is noted in the British History Online (BHO) that as well as Smithfield Market, which was in existence by 1123, there was a separate cow market which Cowcross Street is named after. Whilst this application relates to a food market to the rear of Cowcross Street, Officers do note the links to activities that took place and helped create the sense of place in the area. It would correlate with the guidance in policy BC7 of Finsbury Local Plan which aims to have heritage led development. Creating spaces and markets which have some connections to the historic past and also enable to support the retail and tourist function in the area.
- 9.10 The site's unique location within a private plaza connected by several historic lanes represents an opportunity to provide an additional commercial function that contributes to providing a range of goods and services for the people who live, work and study in the borough as set out in CS14 of the Core Strategy. The strategic layout along the periphery of the plaza also ensure that the space can be maintained as an area of relaxation and ensure that pedestrian traffic is unaffected.

- 9.11 The market would seek to operate on set days with limited hours for cooking and operation. It would operate on 3 days of the week (Tuesday, Wednesday and Thursday's) with the space returned to a plaza outside of these hours/days. The principle of the use is considered acceptable subject to a temporary consent.

### **Design, Conservation and Heritage Considerations**

- 9.12 The site is situated within Clerkenwell Green Conservation Area and as such the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. There is also a Grade II Listed Building in the immediate area (Nos 9-13, 14-16 and 27-27 Cowcross Street) and as such the LPA has a statutory duty to consider the development in the context of a listed building or its setting and to have special regard to preserving or enhancing its visual appearance and its historic character.
- 9.13 In terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 9.14 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'. Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 9.15 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'
- 9.16 As noted the site is situated within Clerkenwell Green Conservation Area which has a special character and appearance which stems from its mix of uses, its architecture and its history. The fabric of the area derives from incremental development from Norman times. The Clerkenwell Green Guidance identifies Clerkenwell/Smithfield as a special area, which merits a special level of protection.
- 9.17 Paragraph 1.6 of the conservation area guidance highlights specialist craft and light industrial workshops are traditional to Clerkenwell. Other uses synonymous with the area historically include retail, showroom, eating and drinking, residential, educational, community and museum uses which all contribute to the areas variety and vitality. The inclusion of a food market would therefore correlate with the range of historic uses in the area. As already noted, markets have historically been present within this area as far back as the 12th Century.
- 9.18 The Ordnance Survey map below taken from British Historic Online shows the intersection of Turnmill Street and Cowcross Street and describes this area as a lively thoroughfare within proximity of Farringdon Station (British History Online). The historic paper further discusses how Cowcross Street and Turnmill Street historically formed a single important route north from the City and became a narrow and thoroughfare largely due to market or commercial activity that took place on its route. As discussed in para 9.9, a cow market operated at the junction of St John Street, Cowcross Street. Both Cowcross and Turnmill Streets were used for driving animals in connection with this market. The surrounding laneways and streets would have contributed to the markets functioning as it evolved.



**Image 4** Cowcross Street/St Johns Street and Turnmill Street historically an important route north from the City and location of cow market as far back as 12th Century taken from British History Online <https://www.british-history.ac.uk/survey-london/vol46/pp182-202>

- 9.19 From the map above, it shows the proximity of the proposed site to the junctions of Cowcross/St John and Turnmill Street where a cow market and droving of animals were once a fundamental part of the fabric. Although the current application relates to a food market, given that markets have been engrained in the fabric of this area, the proposal is welcomed as it provides a historic link to the activities that once dominated the area.
- 9.20 Under the proposals, the same number of market stall plots have been proposed as previously approved. The stalls would be a combination of the same gazebo-type structures with open-sides (as per the previous approvals), as well as vehicle ‘stalls’. The Design and Conservation Officer has been consulted and has noted that whilst the layout of market stalls would change, they would be contained to the same area of open court ‘plaza’ and therefore they have not objected to the application.
- 9.21 The market would comprise 13 stalls each measuring 3m by 3m (where a gazebo is proposed) or between 3.5 to 5m long x 2.5m width (where a vehicle is proposed) and would be situated along the perimeter of the plaza thereby reducing the impact on other pedestrians using the space. The application has not specified the precise mix of gazebos and trucks allowing flexibility to market stall operators.
- 9.22 It is noted that the site was originally an enclosed court of buildings. Although it has been redeveloped as a more open space it still retains a courtyard appearance and a commercial atmosphere, for which a modest market use would not be inappropriate in terms of heritage and design. There would be no permanent alteration to the urban fabric of the site under this application. The only physical element of the application relates to temporary tents or vans for the temporary market stalls. Given the historic usage of the area for commercial activity and markets, it would not harm the character of the conservation area. The temporary of the structures would also not impact on the setting of the nearby listed buildings (9-13,14-16 and 27-27 Cowcross Street).

- 9.23 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the area whilst also re-establishing historic ties to the areas past as a market place. It would contribute to the special character and appearance of the conservation area, which stems from its mix of uses and as such preserves the associated heritage assets, including the wider Clerkenwell Green Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and Clerkenwell Green Conservation Area Design Guidelines. It is therefore considered acceptable in design and heritage terms, and compliant with the design policies within the Development Plan.
- 9.24 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent conservation area. The proposal is not considered to cause harm to the character nor the appearance of the conservation area as no external alterations are proposed.

### **Operational Management and Transportation Issues**

#### *Operating and cooking times*

- 9.25 The market would operate from 09.00am and finish at 4.00pm on Tuesday, Wednesday and Thursdays weekly. In order to limit the impact on the surrounding residents, offices and other commercial buildings, the hours in which food would be cooked would remain between 11.00am and 2.30pm. The application seeks to alter the times in which food is served (outside cooking times) to allow customers to use the market earlier and later in the day without having the impact of cooking smells. The Council's Environmental Health Team have been consulted and have raised no objections to the proposal.
- 9.26 A condition was recommended during the most recent application (P2019/1744/FUL) requiring that the water supply must be of drinking water quality and the water supply must be adequately maintained by appropriate persons to ensure the principles of water supply hygiene are adhered to. These details have been approved within the 2019 application, under P2019/2434/AOD. The details submitted are consistent with those already approved and therefore considered acceptable.
- 9.27 Whilst Officer's note concerns raised regarding smells from cooking and hours of operation, given that this would largely take place between the normal lunch hours, it is considered insufficient reasoning to warrant a refusal in this instance. The smells associated with the cooking of food are considered acceptable due to the limited time period (3 ½ hours) and the location within an open air space
- 9.28 Outside of these hours (9am-11am & 2.30pm-4pm), in addition to sales, the market stalls would undertake preparation, serving of food and cleaning/removal of equipment. This timeframe is considered appropriate and would not have an unacceptable impact on the surrounding properties.

#### *Site Setup/Transport Issues*

- 9.29 In terms of site set up, the applicant has confirmed that there would be a Site Supervisor on-site at all times to supervise activity. The stalls are positioned along the perimeter of the plaza, which ensures that limited disruption would be caused to passing pedestrians during peak hours of movement in the morning and evening times. The setting up process would take approximately 20 minutes per trader with each stallholder carrying their equipment on a trolley.

9.30 The applicant has provided a Transport Statement that examines the traffic and transportation impacts associated with the proposals. Within the statement, it highlights that the site has good pedestrian links and an established network of footways that provide access to nearby facilities including Farringdon Station. The aerial photograph below (Image 5) identifies the pedestrian access routes available from Cowcross Street, Horse Lane Alley, Britton Street and from St Johns Lane/Peter's Lane.



**Image 5:** Existing pedestrian access points serving the plaza

9.31 The number of access points serving the plaza ensures that the market would not cause significant congestion to commuters/passers-by and that pedestrian traffic would continue to flow steadily between the main public transport stations and the surrounding streets.

9.32 The plaza is privately managed and not part of the adopted highway network. The market stall traders would be required to unload their vehicles from one of the entrances from Britton Street, Peter's Lane or Cowcross Street. The Transport Statement highlights that the previously consented arrangements for unloading and site set up would remain in operation:

- No more than four vehicles unloading at a time from 9am
- Market manager in attendance at all times
- Pedestrian through routes to be maintained at all times
- Trader vehicles to park at Smithfield Market between setup and break-down
- All waste to be removed by individual stall holders and final sweep by the market manager
- Break-down activity generally from 2.30pm with all market activity ceased and cleared by 4pm

- 9.33 Cowcross Street has the largest capacity for delivery activities, with a combination of permit bays and double yellow lines. Further double yellow lines near the junction of St. John's Lane and St John Street provides alternative loading opportunity for the traders. The double yellow lines in the streets that surround the site restrict use between 8.00am and 8.30am, which is outside the operating times proposed and therefore would not impact on the vehicle unloading. Both single and double yellow lines allow loading for up to 40 minutes. As the average set up time for the market stall is approximately 20 minutes, this would be sufficient to ensure that each market trader has time to set up and move their vehicle on.
- 9.34 The Transport Statement also includes a kerbside survey that was originally carried out to assess what the impacts would be on other businesses in the area. Appendix A of the Transport Statement showed very low levels of use of the double yellow lines on Cowcross Street throughout the survey period. The busiest time period was between 10:00am-10:30am (three light good vehicles using unloading area). However, extra capacity on Britton Street and St. John Street allowed for any spill over of vehicles. The survey concluded that there is sufficient spare capacity for on-street unloading opportunities to accommodate the market and it would not have a detrimental impact on the local highway system.
- 9.35 Access will be available via Britton Street for market vendors operating out of a small vehicle. The applicants have confirmed that the bollards restricting access to Cowcross Yards will be lowered at opening and closing of the market to allow these market operators to enter and exit the site.
- 9.36 Both Transport for London and the Council's Highways Officers have been consulted on this application and the most recent applications, and have raised no objections to the market given its location in a private space. Notwithstanding this, Officers consider a condition restricting loading and unloading before 9am and after 4.30pm necessary given its inner city location. This will allow sufficient time in the mornings and evenings for all stall operators to install/remove their equipment with limited impact on the highway network and the local population (both residential and commercial).

#### *Waste Management*

- 9.37 With regard to the management of waste from the stalls, the applicant has confirmed a private commercial agreement with DOC Cleaning and also have an ongoing contract agreement with Pulse Environmental Ltd who deal specifically with the waste management of the plaza.
- 9.38 Representations received raise concerns regarding litter and waste management which has led to rodent issues in the area. It is noted that these comments appear to highlight issues associated with commercial premises in general within the area, as a factor contributing to potential rodent problem and not solely the market use., Officers recognise the potential for additional litter and waste from a market in the area and the requirement to have a market supervisor/manager on site during operation times is necessary to ensure issues such as site set-up and waste management are continuously monitored and improved. The Planning Statement indicates that refuse is collected from the site every day Monday to Friday. In addition, the market stall operators would be responsible for cleaning up after themselves on days of operation.
- 9.39 The applicant has also provided a waste strategy for Cowcross Yard going forward. The plan is set out in the Planning Statement, which is recommended to be secured by condition (Condition 2) and includes:

- Daily cleaning of Cowcross Yards (DOC is the appointed cleaning contractor)
- Daily emptying of public bins in Cowcross Yards (Pulse Environmental Ltd is the appointed waste subcontractor)
- Introduction of weekend cleaning and bin emptying on Cowcross Yards
- Additional waste storage on site (temporary waste storage, permission has not been sought for the installation of permanent waste enclosures)
- Clear communication plan with street vendors and market sellers about waste disposal particularly for food vendors
- Clear waste signage for vendors and public
- Increased number of accessible bins (potentially have vendors provide access to their bins for public use)

9.40 It is illegal to drop litter and whilst there would be a responsibility of control of litter by the management of market, there is an onus on customers to comply by the law and not litter. Islington's Authorised Officers can issue fixed penalty notices to any person that drops litter intentionally. The Street Environment Services Enforcement Strategy (March 2011) states that *'it is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so... we reserve the right to take enforcement action without education and advice on any occasion where offences such as littering are committed'* (Para 3.6 & 3.7 Street Environment Services Enforcement Strategy).

9.41 As such, it is considered that sufficient controls, are in place to address refuse associated with the site.

#### *Seating*

9.42 Seating is available centrally within the plaza, which can accommodate up to 15/20 people and no additional seating is proposed. Many of those who chose to use the stalls would be passing through trade, tourists or workers on their lunch break. In addition, P2020/1143/FUL was recently granted for the installation of permanent public seating around the tree at the centre of the plaza.

9.43 Overall, based on the information provided in terms of loading, hours of operation, waste management and supervisor arrangements, it is considered that the proposed market can continue to operate successfully without resulting in unacceptable impacts on the surrounding residents and commercial properties.

#### **Neighbour Amenity**

9.44 Policy DM2.1(x) seeks to ensure developments provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

9.45 The main concerns raised in representations include the following:

- Noise and disturbance
- Smells from food
- Vehicle and use of vans as stalls within the market

### *Noise and Disturbance*

- 9.46 The Pollution Control Team have been consulted as part of the application and raised no objections to the market. The hours of operation would not be early morning (before 7am) or late at night (after 11pm). These times are considered the most vulnerable times for residential occupants who may be at sleep. The operating times proposed are 9am to 4pm, for three days a week during working hours. Outside of these times/days the plaza would have no additional activity. Given the limited operational times of the market, it is considered not to have an unacceptable impact on neighbouring occupiers.
- 9.47 Furthermore, the Environmental Pollution, Policy & Projects Team has confirmed that no complaints have been received from the existing market which has operated over the last 4 years.

### *Smells from Food*

- 9.48 The market is located in an area where there is a high volume of restaurants currently operating. Whilst Officers acknowledge that the cooking of food will generate some smells, a condition has been attached to limit the cooking time between the hours of 11am and 2.30pm. Subject to this condition, it is considered that the proposal would not result in unacceptable impacts as a result of odour to the neighbouring occupiers.

### *Vehicle movement and van stalls within the plaza*

- 9.49 Representations received have raised particular concerns regarding the use of vehicles as stalls. These are described by the applicant as 3.5m to 5m long by 2.5m in width and are larger than the typical gazebo style stalls which have previously occupied the market. The submitted Planning Statement confirms that where a vehicle is brought onto the site to trade it would fit within the allocated market stall area, which is consistent with the most recent approval. Access for these vehicles will be available via Britton Street. The applicants have confirmed that the bollards restricting access to Cowcross Yards will be lowered at opening and closing of the market to allow these market operators to enter and exit the site. It has also been confirmed that these would use an existing fixed source of power supply and therefore engines will not be in use. A condition has therefore been included requiring that vehicle engines are not turned on whilst the market is in operation. The Transport Statement submitted with the application has not been updated since the temporary permission was last granted in 2019. It is therefore not clear how the vehicle stalls will access the site and how they may impact on pedestrian flow throughout the plaza. A condition has therefore been recommended requiring the full details and vehicular access and egress within the plaza to be submitted prior to the first occupation of the temporary market.
- 9.50 The issues raised by neighbouring residents and commercial occupiers are broadly consistent with those received during the assessment of ref: P2019/1744/FUL. A condition was included on the previous application requiring a Market Operational Management Plan to be approved prior to the commencement. The operational management plan sought details regarding unloading and loading timings, details of site supervisor/supervision of the market stalls, details of a fixed supply of hot and/or cold potable water supply, refuse plans, facilities locations and collection arrangements, litter control measures, noise control measures, and details of Community Liaison Officer and contact number. The full details were submitted and agreed by Islington Council on 19/11/2019 under P2019/2434/AOD. A Market Operational Management Plan has been submitted with the current application that is broadly consistent with the details approved under P2019/2434/AOD and officers are satisfied that sufficient information has been provided to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.

A compliance condition has been recommended to ensure the market is operated in accordance with the details provided within the Market Operational Management Plan.

- 9.51 On this basis, it is considered that the proposed market would not result in unacceptable harm to the amenity of the neighbouring occupiers. The proposal is therefore considered to accord with policy DM2.1 which requires development to provide good levels of amenity.

### **Other Matters**

- 9.52 Concerns have been raised by the public regarding social distancing, hygiene and the markets contribution to the possible spread of COVID 19. The applicants have submitted an alternative site plan showing 9 market stalls instead of 13, and pedestrian flows throughout the plaza allowing 2m gaps between people and a 2m wide clear route through Cowcross Yards. Whilst permission is sought for up to 13 market stalls, it is understood that the site will be used in accordance with the 9 market stall scheme whilst social distancing requirements are in place.
- 9.53 In addition, the market operators have prepared their traders policies to account for COVID 19 regulations. The updated policies document requires that vendors maintain up to date valid health & safety documents, licenses, insurances and other relevant documents required for trading, and carry out Covid risk assessments. It also includes more stringent cleaning requirements, including the use of ground sheets beneath each truck/stall, 3 walls and store frontages. All vendors will be required to bring adequate hand washing facilities and to wear face masks and gloves at all times.
- 9.54 It is considered that the details submitted provide confidence that the market operators will ensure the site is managed appropriately to stop the spread of COVID 19 as much as practicable. It is also noted that once operational, the market vendors and operators will need to be compliant with relevant Environmental Health practices and regulations which require mitigation to stop the spread of COVID 19.
- 9.55 Notwithstanding the information submitted, a detailed Operational Management Plan has been submitted and is consistent with that already approved under P2019/2434/AOD. Prior to commencement of the development. These details include information of the Market Operator, details of the site supervisor controls and responsibilities, measures to ensure fire exits and right of ways maintained, fixed water supply, further detailed waste management strategy and litter control measures. The Operational Management Plan is listed as an approved document and therefore compliance with the details submitted is required.
- 9.56 Pedestrians will be able to access the market via existing passageways and via Britton Street and Peter's Lane and White Horse Alley. Concerns have been raised regarding the use of the passageway beneath Denmark House and the potential implications in secure by design and crime prevention terms. The proposals do not clearly indicate that the Denmark House passage will be used as part of the current application. However, it is acknowledged that applications have been received for the lighting of this passageway which indicate it will be made publicly accessible in the future. As the passageway is privately owned, it being accessible by the public cannot be restricted via the planning process provided no physical alterations are proposed to the building which is not the case in this instance. Notwithstanding this, given the ongoing management obligations of the market as well as the other already accessible narrow passageways, it would not be considered that the use of the Denmark House passageway would promote anti-social behaviour to an extent that would be considered harmful.

9.57 The applicant has not sought permission for the permanent use of the site as a market. Officers consider a new temporary consent as a suitable mechanism to monitor issues of noise and anti-social issues including litter/rodent and delivery complaints, as was the case with the 2019 application. The applicant is seeking a minimum of 36-month consent to for the use of the site as a market. Officers have reviewed this request and given that there have been no significant concerns raised from both internal and external consultees during the previous two-year monitoring period, it is considered acceptable to extend the permission for a 36-month period.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

9.58 A summary of these proposals is set out within paragraphs 4.1 to 4.6 of this report.

9.59 Planning permission is sought to continue the temporary use of the external plaza area for a food market of up to a maximum of 13 stalls for a (maximum) of 3 days per week for a period of three years. The market would operate on Tuesdays, Wednesdays and Thursdays between 9.00am and 4.00pm with food cooked and served between 11.00am and 2.30pm only.

9.60 The application submitted is a resubmission of two previously approved temporary consents which allowed for the operation of the market for a maximum period of 2 years (ref: P2019/1744/FUL & P2016/3449/FUL). The current submission is similar in layout/number of stalls to the two previous applications and seeks to continue the use of the plaza area as a market for a further period of up to 3 years.

9.61 The use and overall layout would be acceptable in principle and would not impact on the character and appearance of the conservation area or the setting of surrounding listed buildings.

9.62 No objections have been received from the Council's Street Trading; Environmental Health; Refuse Control' or Pollution Control Teams. The use is considered conducive to the central location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies.

9.63 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approve

### **Conclusion**

9.64 It is recommended that planning permission be granted subject to conditions set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to conditions to secure the following

#### List of Conditions:

<b>1</b>	<b>Temporary Consent (36 Months)</b> CONDITION: The hereby approved market is granted only for a limited period, being 36 months from the issue of this permission. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.  REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.
<b>2</b>	<b>APPROVED PLANS LIST</b> CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  Dwg 8269-PL-GA-1002; Dwg 001; Dwg 8269-PL-GA-110 Rev A; Dwg 8269-PL-GA-109 Rev A; Dwg 8269-PL-GA-108 Rev B; Market Operational Management Plan; Cowcross Estate, Cowcross Yards, London EC1 Waste Strategy; Transport Statement by DPZ Investors Ltd; Planning Statement by Newsteer; Cover Letter by Newsteer; COWCROSS YARDS Sketchbook 25 - Market stall studies 3; Traders Policies Cowcross Yards 2020 – Urban Food Fest – Updated for Covid Regulations.  REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Hours of Operation</b> CONDITION: The market shall operate between the hours 9.00am and 4.00pm on Tuesdays, Wednesdays and Thursdays only.  The cooking of food shall only take place between 11.00am and 2.30pm only.  REASON: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.
<b>4</b>	<b>Site set up and Construction Restrictions</b> CONDITION: The site set up and removal shall take place between the hours of 9.00am and 4.00pm. No more than 4 stalls shall set up at the same time.  REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity.

<b>5</b>	<b>Number of Stalls (Restrictions)</b>
	<p>CONDITION: The stalls shall be laid out in accordance to drawing reference 8269-PL-GA-1002</p> <p>No more than 13 stalls shall operate or be allowed on site at any one time.</p> <p>REASON: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.</p>
<b>6</b>	<b>Market Supervisor / Manager</b>
	<p>CONDITION: A market supervisor or manager shall be present during market operation times (9.00am-4.00pm) on each day the market is operated.</p> <p>REASON: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liaise with the adjoining residents on any issues of concern.</p>
<b>7</b>	<b>Vehicular Access (Details)</b>
	<p>CONDITION: Full details of entrance and circulation of vehicles used for the purpose as a market stall shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the market hereby approved.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>7</b>	<b>Servicing, unloading and deliveries</b>
	<p>CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of 9.00am and 4.30pm on the approved market days being Tuesdays, Wednesdays and Thursdays.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>8</b>	<b>Operational Management Plan (Compliance)</b>
	<p>CONDITION: The use of the market shall be managed and operated in accordance with details as described within the Market Operational Management Plan hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.</p>
<b>9</b>	<b>Vehicle Stalls (compliance)</b>
	<p>CONDITION: Engines of all vehicles operating as a stall within the market hereby approved shall be turned off at all times whilst the market is in operation.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in terms of noise, odour and pollution.</p>

## List of Informatives

<b>1</b>	INFORMATIVE: You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations (including noise and litter), Inclusive Design etc.
<b>2</b>	INFORMATIVE: You are reminded that a license may be required for the operation of the site and any alcohol sales.
<b>3</b>	INFORMATIVE: You are advised to remind customers of the market not to sit on steps or entrances into private residential and office buildings. Whilst it is not a planning issue, it is a third party civil matter between the owner of the property and the individual

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1. National and Regional Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2019)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2021 - Spatial Development Strategy for Greater London**

Policy D4 Delivering good design  
Policy D14 Noise  
Policy E9 Retail, markets and hot food takeaways  
Policy T1 Strategic Approach to Transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and Mitigating Transport Impacts  
Policy T7 Deliveries, Servicing and Construction

#### **B) Islington Core Strategy 2011**

Policy CS8 Enhancing Islington's character  
Policy CS9 Protecting and enhancing Islington's built and historic environment

#### **C) Development Management Policies June 2013**

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage  
DM2.4 Protected views  
DM4.9 Markets and specialist shopping Areas  
DM6.3 Protecting open space  
DM6.5 Landscaping, trees and biodiversity  
DM8.1 Movement hierarchy  
DM8.2 Managing transport impacts  
DM8.3 Public transport  
DM8.4 Walking and cycling

#### **D) Finsbury Local Plan 2013**

BC7 Historic Clerkenwell

BC8 Achieving a balanced mix of uses

### **3. Designations**

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Finsbury Local Plan Area
- Conservation Area
- Local views
- Open Space
- Archaeological Priority Area
- Core Strategy Key Area
- Conservation Area
- Central Activities Zone

### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

#### *Islington*

- Conservation Area Design Guidelines
- Urban Design Guide

#### *London Plan*

- Accessible London: Achieving and
- Sustainable Design & Construction
- Planning for Equality and Diversity in London



## PLANNING DECISION NOTICE

Development Management Service  
Planning and Development Division  
Environment & Regeneration Department

GL Hearn  
65 Gresham Street  
London  
EC2V 7NQ

Case Officer: Eoin Concannon  
T: 020 7527 4746  
E: [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

Issue Date: 01 August 2019  
Application No: P2019/1744/FUL

*(Please quote in all correspondence)*

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACTS

#### BOROUGH COUNCIL'S DECISION: Approve with conditions

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	Land & Access Ways Rear of 13-27 Cowcross Street, London EC1		
Application Type:	Full Planning Application		
Date of Application:	06 June 2019	Application Received:	06 June 2019
Application Valid:	06 June 2019	Application Target:	01 August 2019

**DEVELOPMENT:** Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2016/3449/FUL 07/07/17). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

**PLAN NOS:** Site Location Plan, 001, 8269- PL-GA-103, Planning, Design & Access Statement dated June 2019, Cowcross Estate Transport Statement by DPZ Investors Ltd dated June 2019, Cowcross Estates, Cowcross Yards Waste Strategy (Initial and Target Plan)

#### CONDITIONS:

- 1 **CONDITION:** The hereby approved market is granted only for a limited period, being 12 months from the issue of this permission. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.

Reason: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.

P-DEC-AP1

- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan, 001, 8269- PL-GA-103, Planning, Design & Access Statement dated June 2019, Cowcross Estate Transport Statement by DPZ Investors Ltd dated June 2019, Cowcross Estates, Cowcross Yards Waste Strategy (Initial and Target Plan)

REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 3 CONDITION: The market shall operate between the hours 9.00am and 4.00pm on Tuesdays, Wednesdays and Thursdays only.

The cooking of food shall only take place between 11.00am and 2.30pm only.

Reason: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.

- 4 CONDITION: The site set up and removal shall take place between the hours of 9.00am and 4.00pm. No more than 4 stalls shall set up at the same time.

REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity

- 5 CONDITION: The stalls shall be laid out in accordance to drawing reference 8269-PL-GA-103

No more than 13 stalls shall operate or be allowed on site at any one time.

Reason: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.

- 6 CONDITION: A market supervisor or manager shall be present during market operation times (9.00am-4.00pm) on each day the market is operated,

Reason: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liaise with the adjoining residents on any issues of concern.

- 7 CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of 9.00am and 4.30pm on the approved market days being Tuesdays, Wednesdays and Thursdays.

REASON: In the interests of highway's safety and congestion and neighbourhood amenity.

- 8 **CONDITION:** Prior to commencement of the hereby approved use, a Market Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The operational management plan should detail how the development will be managed and controlled to address the following related activities:

- 1 Unloading and loading timings, locations and parking arrangements related to the development.
- 2 Details of site supervisor/supervision of the market stalls and controls and responsibilities
- 3 Measures to ensure fire exits and right ways maintained)
4. Details of a fixed supply of hot and/or cold potable water supply.
5. Refuse plans, facilities locations and collection arrangements.
6. Litter control measures.
7. Any necessary noise control measures
8. Details of Community Liaison Officer and contact number

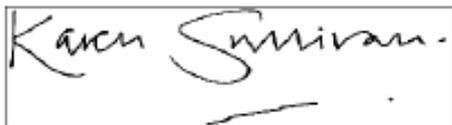
The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. No change there from shall take place without the prior written consent of the Local Planning Authority

**REASON:** To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.

Your attention is drawn to any **INFORMATIVES** that may be listed below

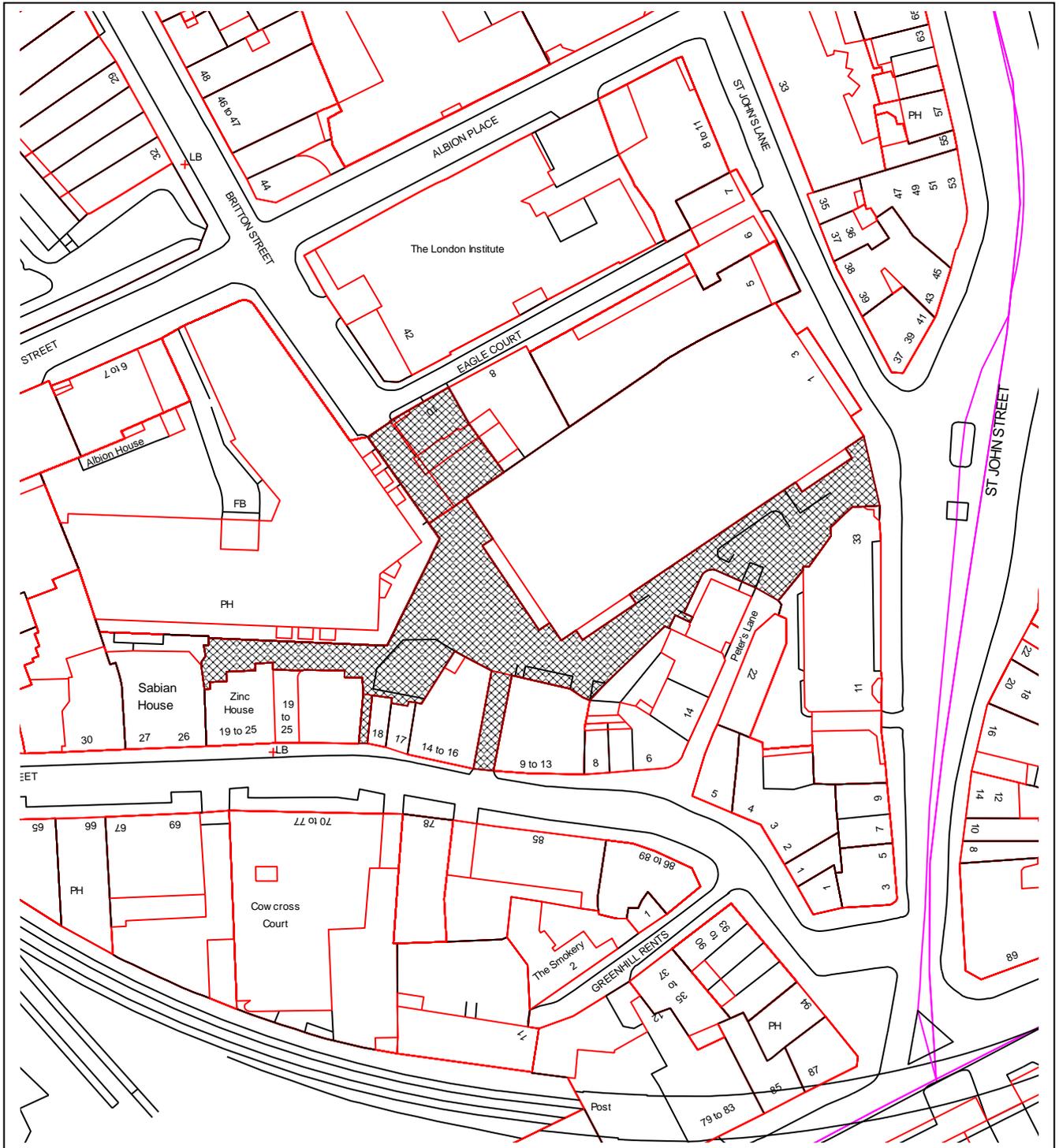
Certified that this document contains a true record of a decision of the Council

Yours faithfully

A rectangular box containing a handwritten signature in black ink that reads "Karen Sullivan".

**KAREN SULLIVAN  
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT  
AND PROPER OFFICER**

# Islington SE GIS Print Template



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P2020/1687/FUL

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### PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	4 <sup>th</sup> May 2021	<b>NON-EXEMPT</b>

Application number	P2020/1842/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Within 50m of Grade II* Listed Building Ben Johnson House, Barbican
Conservation area	Within 50m of St Luke's Conservation Area Within 50m of Chiswell Street Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone (CAZ) Bunhill & Clerkenwell Finsbury Local Plan Archaeological Priority Area – Moorfields Local Cycle Routes
Licensing Implications	None
Site Address	Prior Weston Primary School Golden Lane Campus, 101 Whitecross Street, London EC1Y 8JA
Proposal	Retrospective planning permission for the retention of the existing 8 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for the school's children until 8.00pm Monday to Fridays only.

Case Officer	Daniel Jeffries
Applicant	Mr Greg Page – REAM Partnership
Agent	Mr Greg Page – REAM Partnership

#### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view facing south



Image 2: View of the existing Multi-Use Games Area facing east



Image 3: View in southerly direction showing panoramic existing Multi-Use Games Area and nearby buildings

## **4. SUMMARY**

- 4.1 The application seeks retrospective planning permission for the installation of 8 no. floodlights associated with the existing first floor Multi-Use Games Area at Prior Weston Primary School. The application was submitted following an enforcement investigation (Ref. E/2019/0346) by the Council's Planning Enforcement Team in regards to the non-compliance with planning permission Ref. P2016/1803/FUL, which granted planning permission for the following:

*Installation of 4 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for the school's children until 8.00pm Monday to Fridays only.*

- 4.2 The principle of improving the existing school facilities is acceptable in land use terms. The design of the proposed equipment is considered acceptable and would preserve the visual appearance and historic character of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3, DM4.12 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Chiswell Street and St Luke's Conservation Area Design Guidelines.
- 4.3 The proposal has the potential for light pollution to the surrounding area. However, subject to the conditions imposed on the originally approved development the Council's Environmental Health Officer has no objections to the proposal and has confirmed that there has been no complaints for the use of the floodlights to the Council's Environmental Health Team.
- 4.4 The proposal is considered to not detrimentally impact the wider public highway network.
- 4.5 The proposal is considered to be acceptable and it is recommended that the application be approved subject to conditions.
- 4.6 The application is brought to committee because of the number of objections received (6) and it is run by Islington Council.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located to the east of Golden Lane and to the west of Whitecross Street, and to the south of Fortune Street Park. The host property consists of a part single storey, part two storey, and part three storey building, which is used by Prior Weston Primary School, Richard Cloudesley School and the Golden Lane Children's Centre, as part of the Golden Lane Campus. The site can be accessed by Whitecross Street, to the east, and Golden Lane, to the west.
- 5.2 At first floor level there is an existing Multi-Use Games Area, located towards the south of the site used by the school.
- 5.3 The application building is not listed and the site is not located within a conservation area but is within 50m of both St Luke's and Chiswell Street Conservation Areas and the Barbican, being a Grade II\* Listed Building. The site is also located within an Archaeological Priority Area, Central Activities Zone, the Bunhill and Clerkenwell Finsbury Local Plan and Core Strategy Key Areas.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The application seeks retrospective planning permission for the retention of the existing 8 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for the school's children until 8.00pm Monday to Fridays only. This is following an enforcement investigation (Ref. E/2019/0346) regarding the installation of 8 no. floodlights and non-compliance with planning permission Ref. P2016/1803/FUL.
- 6.2 The application has been submitted following the granting of planning permission (Ref. P2016/1803/FUL) by the Planning Sub-Committee A on 11<sup>th</sup> February 2019 (Decision Notice issued on 20<sup>th</sup> February 2019) for the following development:

*Installation of 4 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for the school's children until 8.00pm Monday to Fridays only.*

- 6.3 A subsequent enforcement case (Ref. E/2019/0346) was opened as a result of the non-compliance with the approved development (Ref. P2016/1803/FUL) resulting in the installation of 8 no. floodlights rather than 4 no. floodlights as approved.
- 6.4 The existing MUGA is approximately 575sqm and is marked for various ball games. A curtain/ceiling netting system has been installed to prevent balls accidentally leaving the facility during play. The facility was approved as part of a larger scheme for the whole site, which included the following description, '*Demolition of existing buildings and the erection of a part 1, 2 and 3 storey educational facility fronting Golden Lane and Whitecross Street to accommodate 168 children within a 'Sure Start' Early Years Centre, 360 primary students and 30 students with special needs. Erection of a first floor Multi-Use-Games-Area and separate play spaces, associated hard and soft landscaping and five kerbside and six onsite drop-off bays. A caretaker's flat is included at second floor level.*' This was approved with conditions on 27th January 2006.
- 6.5 The originally approved hours of use of the MUGA are between 8.00am until 8.00pm Monday to Friday and 10.00am until 6.00pm Saturdays, with no use on Sunday and Bank Holidays. The previous approval for the 4 no floodlights (Ref. P2016/1803/FUL) included conditions limiting the lights use for the MUGA. This included the control of the lights by photocell detector and a timer switch to ensure the lights would only operate between the hours of 0900 and 2000 hours Monday to Fridays and during the school's term time only, with the lighting manually switched off when the area is not used for after school activities during these hours. As well as preventing use of the existing MultiUse Games Area, other than by the pupils of the Prior Weston Primary School, or hired out for use by external sports clubs/bodies or the general public.
- 6.6 The main difference between the previously approved development (Ref. P2016/1803/FUL) and this proposal are as follows:
- Increase in the number from the previously approved 4 no. to 8 no. floodlights

## **7. RELEVANT HISTORY:**

### *PLANNING APPLICATIONS*

- 7.1 P2021/0328/FUL - Retrospective application for the retention of existing play structure and pergola on the rooftop play space of the school. (under consideration)
- 7.2 P2016/1803/FUL - Installation of 4 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for the school's children until 8.00pm Monday to Fridays only. Approved on 20/02/2019 (see Appendix 3)
- 7.3 P052329 - Demolition of existing buildings and the erection of a part 1, 2 and 3 storeys educational facility fronting Golden Lane and Whitecross Street to accommodate 168 children within a 'Sure Start' Early Years Centre, 360 primary students and 30 students with special needs. Erection of a first floor Multi-Use-Games-Area and separate play spaces, associated hard and soft landscaping and five kerbside and six on-site drop-off bays. A caretaker's flat is included at second floor level. Approved with conditions on 27/01/2006.
- 7.4 P122360 - Installation of a free standing dual pitch solar canopy. Approved with conditions on 18/02/2013.
- 7.5 930161 - Construction of single storey under-fives centre with playground and access on the site facing Golden Lane to the rear of Prior Weston School and the use of part of the existing school car park as a Barrow Store for Whitecross Street traders. Approved with conditions on 29/06/1993.

- 7.6 900601 - The siting of portacabins and essential parking by John Lelliott Construction for a 6 month-12-month period in connection with adjoining refurbishment work. Present crossover only to be maintained. (withdrawn)

#### *ENFORCEMENT*

- 7.7 E08/03504 - Wall removed from Fortune Park – Case Closed - 13/11/2012
- 7.8 E/2019/0346 - Non compliance with P2016/1803/FUL (installation of 8 rather than 4 flood lights) (ongoing)

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 555 no. adjoining and nearby properties at Cherry Tree Walk, Golden Lane, Chiswell Street, Whitecross Street, Errol Street, Breton High Walk and Lincoln Road on the 21<sup>st</sup> December 2020. This is in addition to the display of a site notice and a press advert.
- 8.2 At the time of the writing of this report a total of 8 responses had been received from the public with regard to the application, of which 6 responses raised objections and the remaining 2 responses were in favour of the proposal, providing the same conditions attached to the original proposal are reimposed. The issues raised in the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

#### **Design**

- Visual appearance and impact on the heritage assets in surrounding area  
**(Paragraphs 10.11 to 10.19)**

#### **Neighbouring Amenity**

- Noise from use of the MUGA
- Light pollution and light spill from floodlights and being left on when not in use  
**(Paragraphs 10.20 to 10.45)**

#### **Highways**

- Increased traffic to the surrounding area  
**(Paragraphs 10.46 and 10.47)**

#### **Other matters**

- Concerns that the applicant has breached planning legislation and lack of compliance with the previous conditions  
**(Paragraphs 10.48 to 10.51)**

#### **External Consultees**

- 8.3 **City for London:** raised the following observations:
- Please ensure that Barbican residents at Breton House and Ben Jonson House have been consulted regarding the application and associated responses received are considered as part of determination, including impact of light pollution on residential amenity; and
  - If the application is approved, proposed restrictions for the hours of use of the floodlights should be included as a condition on the Decision Notice.

## **Internal Consultees**

8.4 **Environmental Health Pollution (Acoustic) Officer:** confirms that there has been no complaints received by the Environmental Health Team for the use of the MUGA. No objections to the proposal.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents

### **National Guidance**

9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990)
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1))

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

9.4 Since March 2014 Planning Practice Guidance for England has been published online.

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.7 Members of the Planning Sub-Committee A must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.10 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Within 50m of Grade II\* Listed Building Ben Johnson House, Barbican
  - Within 50m of St Luke's Conservation Area
  - Within 50m of Chiswell Street Conservation Area
  - Bunhill & Clerkenwell Core Strategy Key Area
  - Central Activities Zone (CAZ)
  - Bunhill & Clerkenwell Finsbury Local Plan
  - Archaeological Priority Area – Moorfields
  - Local Cycle Routes

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.11 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 9.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications is taking place from 19 March to 9 May.

In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.13 Emerging policies relevant to this application are set out below:

- Policy PLAN1 – Site appraisal, design principles and process
- Policy SP1 – Bunhill and Clerkenwell
- Policy SC1 – Social and Community Infrastructure
- Policy DH1 – Fostering innovation and conserving and enhancing the historic environment
- Policy DH2 – Heritage assets

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Neighbouring Amenity
- Design, Conservation and Heritage
- Highways and Transport
- Accessibility
- Refuse and Recycling

### Land Use

10.2 The proposal seeks the retention of 8 no. floodlights to the existing Multi-Use Games Area for the use by the school until 8:00pm in the evening, Monday to Friday. The applicant has confirmed that the facilities and use of the floodlights would be solely for the school and follows the granting of planning permission (Ref. P2016/1803/FUL) for 4 no. floodlights to the MUGA.

10.3 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools and should take a positive approach to development that will widen the choice of education. The DCLG Policy Statement (2012) - Planning for schools - mirrors this aim, stating that local authorities should give full and thorough consideration to the importance of enabling the development of state funded schools, including free schools.

10.4 Development Management Policy DM 4.12 is very supportive of new social and community infrastructure provision, which the proposed expanded use of the existing facilities would represent. The existing Multi-Use Games Area provides a valuable service in this locality, to the school which the council would wish to support and encourage. Policy DM4.12C sets out criteria for new social infrastructure, which must:

- i. be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
- ii. provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
- iii. be sited to maximise shared use of the facility, particularly for recreational and community uses; and

- iv. complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses. As such, the proposal would result in improved facilities for the school.
- 10.5 Policy CS16 is also relevant, given that the application seeks to provide more opportunities to play. Part A of this policy seeks to improve the quality and function of existing play spaces so that they can provide more play opportunities for different age groups and disabled children, particularly in those areas where opportunities for play are currently limited. Within the supporting text paragraph 3.6.13 confirms that a key council objective is to improve health. It encourages the importance on building on the opportunities, including the 2012 London Olympics, to promote sport and physical activity across the borough to reduce health inequality. Paragraph 3.6.14 of the Islington Core Strategy also confirms the importance of the use of outdoor sports facilities include grass and synthetic playing pitches, tennis courts, Multi-Use Game Areas (MUGAs) and bowling greens in achieving this.
- 10.6 Policy DM6.1A also seeks to ensure developments provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, which is consistent with the objectives of these policies.
- 10.7 Policy S3 of the London Plan 2021 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional school facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states '*development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards*'
- 10.8 Meeting the needs of current and future pupils within the school grounds is evidently a key benefit of this proposal. This would be in accordance with the National Planning Policy Framework which states that the Government, "*attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement...*" The framework also states that Council's should give "great weight to the need to create, expand or alter schools". The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities.
- 10.9 Therefore, in land use terms, it is considered that the additional lights facilitate the increased use of the schools facilities as they would more appropriately cover the existing MUGA to enable sports during the winter months which would offer a number of policy benefits specific to this proposal, subject to the compliance with the requirements of Policy DM4.12C, including the amenity impact which will assessed within the body of this report.
- 10.10 Notwithstanding, the above assessment the previously approved development (Ref. P2016/1803/FUL) for floodlights associated with the existing MUGA considered that the principle of the development in land use terms was acceptable, subject to all other material considerations.

### **Design and Conservation**

- 10.11 Paragraph 193 of the NPPF (2019) states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Furthermore, at paragraph 196: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.12 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek

to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

- 10.13 Policy DM2.3 seeks to ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. It seeks to ensure developments within the setting of a listed building are of good quality contextual design. It also seeks to retain, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 10.14 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the setting of both the St Luke's and Chiswell Street Conservation Areas, located to the north and south of the site respectively along Whitecross Street. Section 61(2) and 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, seeks to ensure special attention has been paid to the desirability of preserving or enhancing the character and appearance of the setting of listed buildings. Whilst not within the boundaries of the Borough of Islington (being within the Borough of City of London) located to the south there is the existing Grade II\* Listed Building of the Barbican, with the nearest part of this building named the Ben Johnson House.
- 10.15 The design advice found within the Islington Urban Design Guide 2017 and both St Luke's and Chiswell Street Conservation Area Design Guidelines should be taken into consideration in the design assessment of the proposal.
- 10.16 As noted above the application site was granted planning permission for 4 no. floodlights with the approved application Ref. P2016/1803/FUL, positioned to the north and south of the existing Multi-Use Games Area. Whilst the number of floodlights has been increased to 8, affixed to the existing columns and located within the Multi-Use Games Area, the design of the floodlights would largely replicate those that have been approved.
- 10.17 The assessment of the original approved proposal concluded *'the floodlights would be attached to the existing columns which would not add to the visual clutter. Given that the scale of the floodlights which would be positioned on top of the existing columns it is considered that the proposal would be compliant with the Council's policies in this regard'*.
- 10.18 The assessment also concluded that given the small scale of the development and the restricted hours use, together with the separation distance the proposal would preserve the visual appearance and historic character of the setting of the associated heritage assets, being the St Luke's and Chiswell Street Conservation Areas and the Grade II\* Listed Building Ben Johnson House, forming part of the Barbican.
- 10.19 Whilst it is acknowledged that the proposal seeks to permit the increase in the number of floodlights, in comparison to what was previously approved, which are affixed to the pre-existing columns which formed part of the originally approved MUGA, the proposal is of similar small scale design and location. It is therefore considered that provided the same conditions which were imposed on the previously approved development (Ref.P2016/1803/FUL) in terms of the use and controlling the floodlights, the proposal would preserve the setting of the visual appearance and historic character of these heritage assets, and is therefore considered compliant with policies CS8 and CS9 of the Islington Core Strategy (2011), DM2.1 and DM2.3 of Development Management Policies (2013) and D1, D4 and HC1 of the London Plan (2021), and is acceptable in design terms.

## Neighbouring Amenity

- 10.20 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 10.21 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.22 Policy D14 (part A) of the London Plan 2021 states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.23 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.24 As with those previously approved within application Ref. P2016/1803/FUL, the proposed floodlights are positioned at first floor level and are associated with the existing MUGA, with the nearest residential properties located to the east, along the east side of Whitecross Street, and the Barbican building to the west (Breton House) and south (Ben Johnson House) of the site.

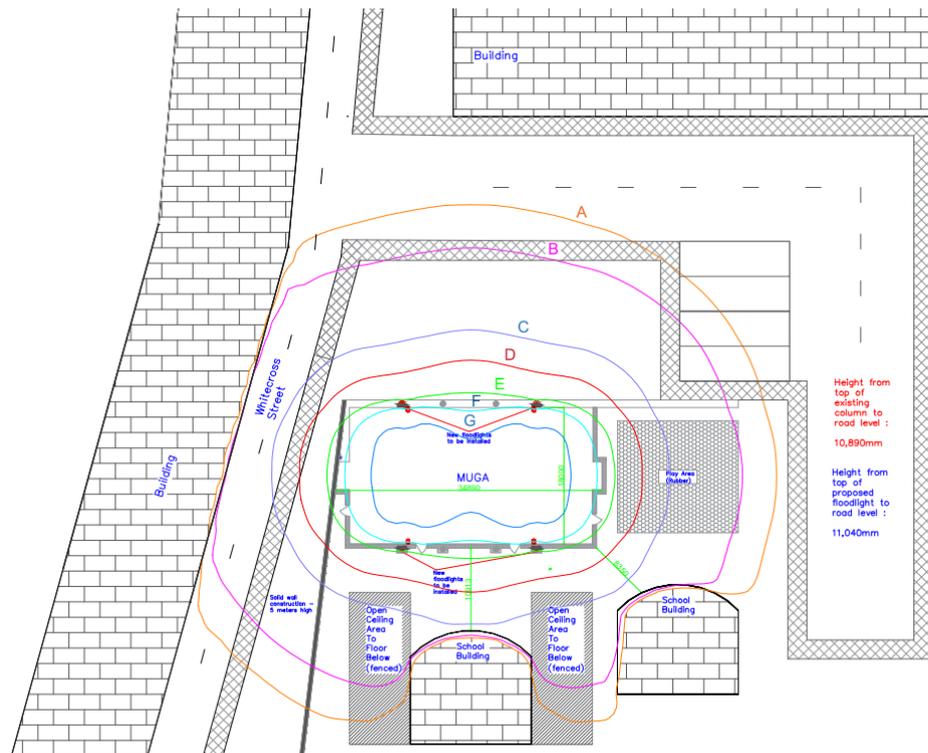
### *Privacy*

- 10.25 As concluded in the previous assessment, given the proposal relates to an existing MUGA there would no additional privacy issues associated with the proposed development, given that the area is currently in use by the school.

### *Noise and Light Pollution*

- 10.26 The assessment of the previously approved application Ref. P2016/1803/FUL concluded that the introduction of 4 no. floodlights would have an acceptable impact on the amenity of neighbouring properties with regard to noise and light pollution. As such, Planning Sub-Committee A on 11<sup>th</sup> February 2019 resolved to approve the development subject to conditions.
- 10.27 The conditions which were attached to the approved development relating to noise and light pollution are conditions 3, 4 and 5.
- 10.28 Condition 3 states '*The 4 no. floodlights hereby approved shall be controlled by photocell detector and timer switch and operate between the hours of 0900 and 2000 hours Monday to Fridays only during the school's term time only. The Multi-Use Games Area lighting shall be manually switched off when the area is not used for after school activities during these hours*'.
- 10.29 Condition 4 states '*that for the hereby approved floodlighting, permission is only hereby granted for the installation Thorlux Starguard 140W luminaires, which shall be retained thereafter into perpetuity. The floodlighting shall be regularly checked and maintained to avoid light spill. The hereby approved floodlights shall be built in compliance with the light spill drawing no. 2 (Proposed Plan) and retained thereafter into perpetuity*'.
- 10.30 Condition 5 states '*for the hereby approved development there shall be no use of the existing Multi Use Games Area, other than by the pupils of the Prior Weston Primary School, and the facilities shall not be hired out for use by external sports clubs/bodies or the general public*'.

10.31 The assessment of the approved development included a light spill map showing the light levels as a result of the 4 no. floodlights on the surrounding area which is shown below:



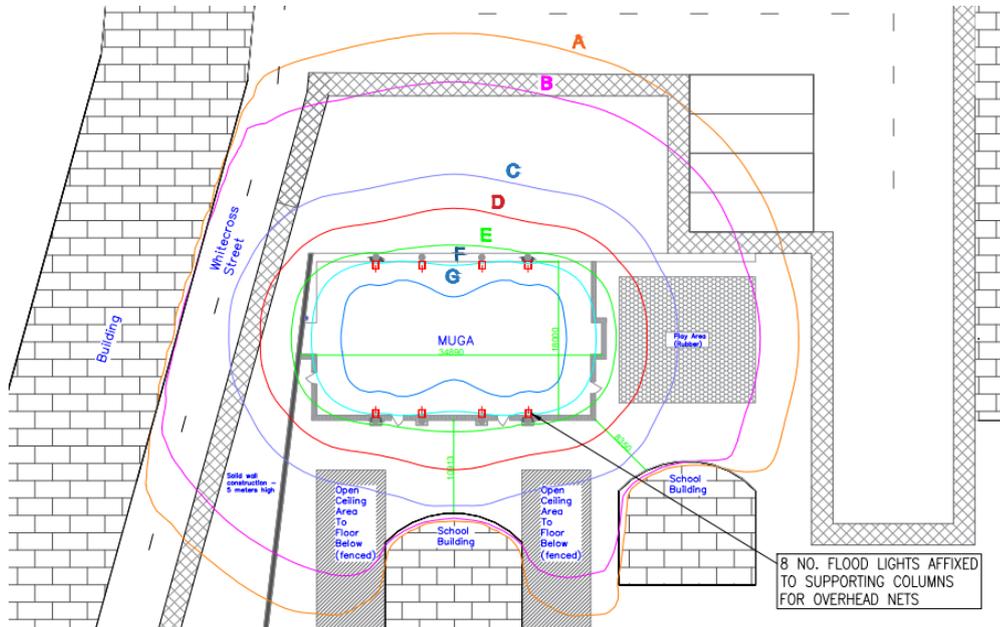
**Image 4:** Lightspill diagram associated with the originally approved development (Ref. P2016/1803/FUL) for 4 no. floodlights.

10.32 The associated committee report concluded that:

*The light spill drawing shows that the floodlights would provide the existing MUGA with 100 Lux (G), which dissipates in levels away from the proposed floodlights, between 20 and 10 Lux (C and D) towards the eastern boundary of the site with Whitecross Street, to between 1 and 2 Lux (A and B) towards the residential properties along Whitecross Street and the south and western boundaries of the site. Given that 1 Lux is a measurement equivalent to the illumination of a one metre square surface that is one metre away from a single candle, the impact on the residential properties on Whitecross Street is considered acceptable. The light spill drawing shows that the nearest residential properties within the Barbican building would receive less than 1 Lux, and as such would not be detrimentally affected in relation to light spill from the use of the floodlights’.*

10.33 The Council’s Environmental Health Pollution Officer confirmed that the details were satisfactory and that the approved development would not have an unacceptable impact on the amenity of the occupiers of neighbouring properties subject to the recommended conditions outlined above relating to the hours of hours, the use of a timer, and the type of floodlights.

10.34 The proposal includes 8 no. floodlights located to the north and south of the existing MUGA being Thorlux Starguard LED lights. The applicant has confirmed that the type of floodlights installed are the same as those approved with the original application (Ref. P2016/1803/FUL) but due to technology changes the floodlights have been improved meaning they are easier to control in terms of their direction and light spill. The application has included an updated light spill diagram to show the potential impact on neighbouring properties, and provides a comparison to the approved development, which is shown below:



**Image 5:** Lightspill diagram for the installed 8 no. floodlights subject to this application

10.35 As with the originally approved development the drawing shows the light spill from the floodlights, which are 8 no. rather than the 4 no. approved floodlights. The updated lightspill drawing for the 8 no. floodlights is considered to be similar to the approved development for 4 no. floodlights.

10.36 The use of Lux levels is a standardised unit of measurement of light level intensity, which is commonly referred to as "illuminance" or "illumination". A measurement of 1 lux is equal to the illumination of a one metre square surface that is one metre away from a single candle. To place the amount of 1 lux into context, examples of the wide ranging lux of a natural ambient light conditions are given in the table below:

Natural Light Condition	Typical Lux
Direct Sunlight	32,000 to 100,000
Ambient Daylight	10,000 to 25,000
Overcast Daylight	1000
Sunset & Sunrise	400
Moonlight (Full moon)	1
Night (No moon)	< 0.01

**Table 1:** Lux levels for natural light conditions

10.37 For artificial lighting the Chartered Institute of Building Service Engineers gives the various light levels that each part of a property, for domestic or commercial, is required to give adequate lighting:

- 100 lux – This level of light is sufficient for lifts, corridors and stairs. Areas that are transitory for occupants and don't require any detailed work. Warehouse areas and bulk stores will also require this minimal light level. You wouldn't want to read a book in this sort of light, but it is good enough to get around without injuring yourself and see where you are going.
- 150 lux – Restrooms and plant rooms require this level of light. Again this is not particularly bright but good enough for simple tasks.
- 200 lux – Entrance areas and lobbies require this level of light, and it is also the minimum for a restaurant dining area.
- 300 lux – Assembly Areas, like village halls require at least 300 lux
- 500 lux – Retail spaces should have this as a minimum light level, as should general office spaces. This level should be suitable for prolonged work on computers, machinery and reading.
- More than 500 lux – If you have an area where intricate work is being carried out, then very high lux values may be needed. Where fine detailed work is being carried out, anything up to 2,000 lux can be used – this is usually only necessary in fairly unusual circumstances. For most purposes, 500 lux will be ample.

**Image 6:** Extract from Chartered Institute of Building Service Engineers showing various Lux levels for artificial lighting.

10.38 The level of illuminance shown in the light spill diagram for the existing 8 no. floodlights is similar to the approved 4 no. floodlights. It shows that the levels dissipate to between 20 and 10 Lux at lines C and D towards the eastern boundary of the site with Whitecross Street. The lines marked as A and B, which are equivalent to 1 and 2 Lux when measured towards the residential properties along Whitecross Street and the south and western boundaries of the site. Therefore, the light spill drawing shows that the nearest residential properties within the Barbican building receive less than 1 Lux, and as such would not be detrimentally affected in relation to light spill from the use of the floodlights.

10.39 However, as outlined in the applicants Design and Access Statement, the light spill diagrams provide a theoretical view of how the lighting will perform based on a computational model. The applicant has also undertaken effect of light spill measured on site during darkness. The readings were obtained using a Urceri Light Meter Model No. MT-912 which has a measuring range of 0 Lux – 200,000 Lux. The readings were obtained between c.17:00 and c.18:00 on the 5th November 2019, noting that the conditions were partly cloudy and dry.

Predicted light levels shown on light spill diagram	MUGA Lights on Value	MUGA Lights off Value	Actual Light Impact
A – 1 Lux	3.4 Lux	3.3 Lux	0.3 Lux
B – 2 Lux	10.2 Lux	9.7 Lux	0.5 Lux
C – 10 Lux	14.6 Lux	7.0 Lux	7.6 Lux
D – 20 Lux	62.9 Lux	61.6 Lux	1.3 Lux
E – 40 Lux	76.1 Lux	66.4 Lux	9.7 Lux

F – 60 Lux	116.2 Lux	76.4 Lux	39.8 Lux
G – 100 Lux	124.2 Lux	72.7 Lux	51.5 Lux

**Table 2:** Extract from submitted Design and Access Statement showing the increase in Lux levels as result of the use of the use of the floodlights

- 10.40 As shown in the table above the largest increase in Lux levels are at the lines marked as F and G, which are within or at the edges of the MUGA limits. Whilst lines C and E would increase these are less than 10 Lux these are within or at the boundaries of the site. The remaining increase would be an increase of 1.3 Lux or less which would be negligible. Given this information it is considered that the proposal would not have a detrimental impact on the amenity of neighbouring properties in terms of light spill.
- 10.41 Notwithstanding the above, it is also important to consider the frequency of the use in terms of light pollution and noise. The previous Committee Report identified that the maximum operation of the floodlights would be 4 hours 7 minutes after sunset during the winter months, given the restriction to the use until 20:00 hours and that it would be restricted to term time only.
- 10.42 It was concluded that the increase in use of the MUGA as a result of the floodlights would be acceptable with regard to its noise and light pollution impact on the amenity of the occupiers of neighbouring properties. In addition, a condition was recommended restricting the use of the facilities to pupils of the school, to protect the amenity of neighbouring properties.
- 10.43 Given the above assessment, together with the comments from the Council’s Environmental Health Pollution Officer who has raised no objections to the revised proposal it is considered to have an acceptable impact on the amenity impact on neighbouring properties, subject to the same conditions attached to the originally approved development.
- 10.44 Concerns have been raised from a neighbour about the use of the floodlights when the MUGA is not in use. An informative has been recommended to remind the applicant to switch off the lights if the MUGA is not in use.

*Conclusion*

- 10.45 Overall, due to the mitigation measures identified above, the proposal is considered to be compliant with Development Management Policies DM2.1

**Highways and Transport**

- 10.46 Policy DM8.2 seeks to ensure that development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. In this instance, the proposal would be used solely by the school and would not result in any community use, therefore the proposal is not considered to result in any increase in journeys.
- 10.47 In addition, the site is in a highly accessible location with excellent public transport provision (PTAL – 6b (the highest level)). It is considered that given the location of the site, the proposal would not result in an increase of pupil numbers, and would not be used by external groups, it would not result in any significant impact on the surrounding public highway network.

**Other Matters**

- 10.48 Concerns have been raised in representations about the behaviour of the applicant in regard to alleged breaches of planning legislation, including the lack of compliance with conditions, particularly the installation of the incorrect number of floodlights approved within application Ref. P2016/1803/FUL.

- 10.49 As noted in the proposal section above, the application has been submitted to seek to regularise a breach of planning legislation. This followed an enforcement investigation by the Council's Planning Enforcement Team. In the event that there are any further alleged breaches of planning legislation including non-compliance with conditions, the Council's Planning Enforcement Team will investigate and take the necessary course of action.
- 10.50 However, in respect of complying with the relevant conditions associated with the approved development (Ref. P2016/1803/FUL), the Council's Environmental Health Officer has confirmed that no complaints have been received in terms of the use of the floodlights, and the submitted Design and Access Statement includes photos of the installed photocell sensor and timer required by condition 3 of the original planning permission.
- 10.51 Whilst it is regrettable that the applicant has erected 8 floodlights without the required planning permission the council must consider the application on the material planning merits of the scheme against adopted planning policies and all other relevant material considerations. The application cannot be refused alone on the grounds that it is retrospective.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The principle of installing floodlights at the application site has been established following the granting of planning permission of 4 no. floodlights (Ref. P2016//1803/FUL). Whilst the application has been submitted following an enforcement investigation (Ref. E/2019/0346) the proposal is considered acceptable in land use terms, as it allows for the increased use of the existing school facilities.
- 11.2 The proposed external alterations are considered to preserve the visual appearance and historic character of the setting of the nearby heritage assets, listed buildings, locally listed buildings and wider St Luke's and Chiswell Street Conservation Areas, and acceptable in design terms.
- 11.3 The proposal is considered not to result in any significant loss of amenity to occupiers of neighbouring properties, given the conditions recommended by the Council's Environmental Health Pollution Officers.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

That the grant of planning permission be subject to conditions to secure the following:

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, 1A – Existing MUGA Plan and Elevation with Column Positions, 004 (Lightspill diagram) - 'As installed', Design &amp; Access Statement (Revised) 2.1, Starguard Floodlights – Manufacturing details,</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Lighting hours of use (Compliance)</b>
	<p>CONDITION: The 8 no. floodlights hereby approved shall be controlled by photocell detector and timer switch and operate between the hours of 0900 and 2000 hours Monday to Friday only during the school's term time only. The Multi-Use Games Area lighting shall be manually switched off when the area is not used for after school activities during these hours.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>4</b>	<b>Type of lighting (Compliance)</b>
	<p>CONDITION: For the hereby approved floodlighting, there shall be installed only Thorlux Starguard 140W luminaires (or equivalent), which shall be retained thereafter. The floodlighting shall be regularly checked and maintained to avoid light spill. The hereby approved floodlights shall be built in compliance with the light spill drawing no. 004 (Lightspill diagram) titled 'As installed' and retained thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of light spill.</p>
<b>5</b>	<b>No Community Use (Compliance)</b>
	<p>CONDITION: For the hereby approved development there shall be no use of the existing Multi-Use Games Area, other than by the school, and the facilities shall not hired out for use by external sports clubs.</p> <p>REASON: In order to protect the amenity of neighbouring properties</p>

### List of Informatives:

<b>1</b>	<b>Use of floodlights when MUGA not in use</b>
	It is requested that the floodlights are turned off when the MUGA is not in use.

## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1 National Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- National Planning Policy Framework 2019

### **2. Development Plan**

The new London Plan was adopted on the 2nd March 2021. The adopted London plan has now full weight and is it is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Therefore the Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2021 - Spatial Development Strategy for Greater London**

- Policy SD4 The Central Activities Zone
- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- Policy HC1 Heritage conservation and growth
- Policy S1 Developing London's social infrastructure
- Policy S3 Education and childcare facilities
- Policy S4 Play and informal recreation
- Policy S5 Sports and recreation facilities

#### **B) Islington Core Strategy 2011**

- Policy CS7 Bunhill and Clerkenwell
- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable Design
- Policy CS16 Play space

#### **C) Islington Development Management Policies 2013**

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM4.12 Social and strategic infrastructure and cultural facilities
- Policy DM6.1 Healthy developments
- Policy DM6.4 Sport and recreation
- Policy DM8.2 Managing transport impacts
- Policy DM8.4 Walking and cycling
- Policy DM8.5 Vehicle parking

### **3. Designations**

- Within 50m of St Luke's Conservation Area
- Within 50m of Chiswell Street Conservation Area
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone (CAZ)
- Bunhill & Clerkenwell Finsbury Local Plan
- Archaeological Priority Area – Moorfields
- Local Cycle Routes

## APPENDIX 3: Committee Report for application Ref. P2016/1803/FUL

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

### ADDENDUM TO PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE A</b>	<b>AGENDA ITEM: B3</b>
Date: 11 February 2019	NON-EXEMPT

Application number	P2016/1803/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Within 50m of Grade II* Listed Building Ben Johnson House, Barbican
Conservation area	Within 50m of St Luke's Conservation Area Within 50m of Chiswell Street Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone (CAZ) Bunhill & Clerkenwell Finsbury Local Plan Archaeological Priority Area – Moorfields Local Cycle Routes
Licensing Implications	None
Site Address	Prior Weston Primary School Golden Lane Campus, 101 Whitecross Street, London EC1Y 8JA
Proposal	Installation of 4 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for children until 8.00pm Monday to Friday.

Case Officer	Daniel Jeffries
Applicant	Mr Greg Page - REAM Partnership LLP
Agent	Mr Greg Page - REAM Partnership LLP

### RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission

- subject to the conditions set out in Appendix 1 of the original report attached;

## **2. REASONS FOR DEFERRAL**

- 2.1 This application was previously discussed at the Planning Sub-Committee A meeting on 6 September 2018 (original report in Appendix 1) where objectors were given the opportunity to speak.
- 2.2 In the discussion the following points were made:
- The Planning Officer advised that since publication of the agenda two letters of objection had been received no additional updates had been received.
  - Objectors were concerned about the levels of noise from the use of the MUGA and its impact on their amenity and the amount of light spillage from the flood lights. In response, the Planning Officer advised that a condition restricting the hours of operation between the hours of 0900 and 2000 hours Monday to Friday had been included in the planning permission.
  - Councillor Picknell proposed a motion to defer as the applicant was not available at the meeting to respond to issues raised by the objectors. This was seconded by Councillor Woolf.
- 2.3 Members decided to defer the application in order for the Sub-Committee to allow the applicant to respond to issues raised by objectors at a further meeting.
- 2.4 The application was subsequently presented to Planning Sub-Committee to the 30<sup>th</sup> October 2018 meeting. However, it was withdrawn from this agenda as no representative of the applicant was available to address Members concerns. The report for that Committee is at Appendix 2.

## **3. UPDATES FOLLOWING COMMITTEE 30<sup>th</sup> October 2018**

- 3.1 Following the conclusion of the Planning Sub-Committee A on 6<sup>th</sup> September 2018 or 30<sup>th</sup> October 2018 no additional information has been submitted by the applicant
- 3.2 Notwithstanding this situation, the Council is in receipt of 1 no. letter by the Chair of the Breton House, on behalf of 18 no. named persons including himself, raising objections to the proposal. The letter requests that, if the proposed development is to be approved, additional conditions are imposed to ensure that:
- *Effective acoustic screening, as proposed in the planning application P approved on 28 January 2006 but waived by Building Control 05 April 2006, is installed around the MUGA to half a metre higher than the proposed floodlighting, as soon as practically possible and before installation of the floodlighting;*
  - *The use of the floodlighting after 6.00 pm be restricted to term time and to one day per week, with no such use on Fridays; and*
  - *Only Golden Lane Campus pupils be permitted to use the MUGA at any time.*
- 3.3 As noted in the previous addendum report associated with this application, the originally approved Multi-Use Games Area was subject to conditions, relating specifically to noise, included conditions 13 (noise assessment) and 15 (acoustic controls). Details for these two conditions were subsequently approved on 10/04/2008. The submitted details were reviewed by the Council's Public Protection Team who confirmed that the details were sufficient to comply with the requirements of these conditions.

- 3.4 There is no acoustic screening or panelling, the MUGA is surrounded by a typical steel post and mesh sports fencing. In relation to the objectors request for additional higher acoustic screening, the Council's Pollution (noise) Officer considers that given the Barbican blocks are significantly higher than the first floor MUGA, the installation of any 2m high acoustic fencing will be of limited effectiveness in blocking the line of sight and reducing the noise impact for residents as this will only benefit the lower floors of the block. In addition, this would raise issues of visibility of the MUGA from the school.
- 3.5 The Pollution (noise) Officer also notes that fitting acoustic panelling now, retrospectively, would be extremely expensive, with increased wind loading from the solid panels likely requiring reinforcing of the posts. The Officer notes that the first aim of the Noise Policy Statement for England states:  
*"Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development."*
- 3.6 The Pollution Officer notes that the hours of use proposed for the floodlights are less than the other sites for schools within the Borough, and some of these sites have residential uses in considerably closer proximity than the existing arrangement. He considers that on the basis that the hours of use of the MUGA are effectively controlled, and that the noise impact will not be significant and considering the limited effectiveness and potential cost of the originally proposed 2m high barrier he would not advise conditioning the installation of the barrier.
- 3.7 In addition, it should be noted that this request for acoustic fencing, by objectors, falls outside the scope of the proposed development. Therefore this would require a separate planning permission and would raise significant visual amenity considerations, which would be assessed within a full planning application. However, this is likely to raise significant visual amenity concerns.
- 3.8 In relation to objectors comment on Building Regulations being waived, the Council's Building Control Officer has confirmed that Building Regulations would not have been required for the original MUGA.
- 3.9 The application is only for the installation of floodlights and does not seek an extension of hours, on what has already been consented. Therefore, the consideration of the impact of the floodlights is only for those hours up to 20.00PM Monday to Friday when the floodlights would be required.
- 3.10 A condition has been recommended to restrict the operation of the proposed floodlights for the school and term time only. It is considered unreasonable to further restrict the hours of use to 18.00PM hours, or one day a week or not on Fridays as requested by objectors as across the year, the floodlights would be less used in summer months. Overall, it is considered that the proposal would be acceptable in planning terms, in relation to these matters.

#### **4. CONCLUSION**

- 4.1 Given the conditions imposed on the original approved development (ref P052329), including the details approved for condition 13, together with the conditions recommended by the Council's Pollution (Acoustic) Officer on this application, the proposal is considered that the proposal would have an acceptable impact on the occupiers of neighbouring properties. It is also considered to be compliant with the Council's policies in regards to land use, design including the impact on heritage assets, the local highway network and in all other associated material considerations. It is therefore recommended that planning permission be granted subject to conditions.

## Appendix 1

### PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB-COMMITTEE A</b>		
Date:	6 <sup>th</sup> September 2018	NON-EXEMPT

Application number	P2016/1803/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Within 50m of Grade II* Listed Building Ben Johnson House, Barbican
Conservation Area	Within 50m of St Luke's Conservation Area Within 50m of Chiswell Street Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone (CAZ) Bunhill & Clerkenwell Finsbury Local Plan Archaeological Priority Area – Moorfields Local Cycle Routes
Licensing Implications	None
Site Address	Prior Weston Primary School Golden Lane Campus, 101 Whitecross Street, LONDON EC1Y 8JA
Proposal	Installation of 4 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for children until 8:00pm Monday to Friday.

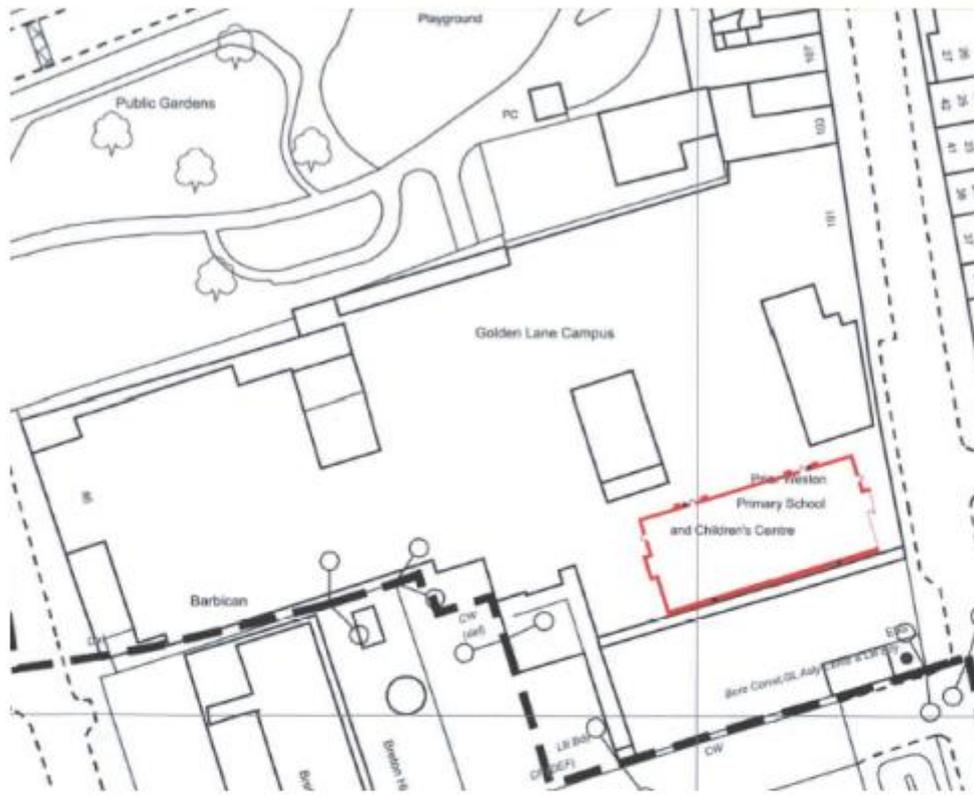
Case Officer	Daniel Jeffries
Applicant	Mr Greg Page - REAM Partnership LLP
Agent	Mr Greg Page - REAM Partnership LLP

#### 1. RECOMMENDATION

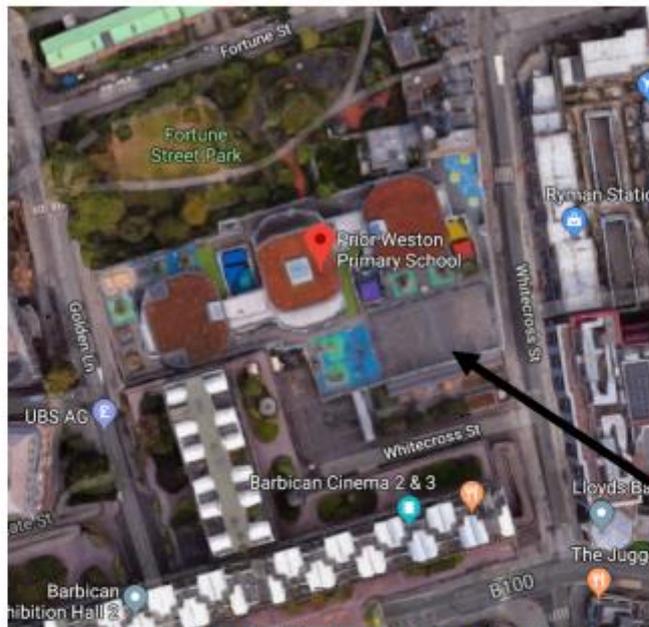
The Committee is asked to resolve to **GRANT** planning permission subject to:

1. the conditions set out in Appendix 1;

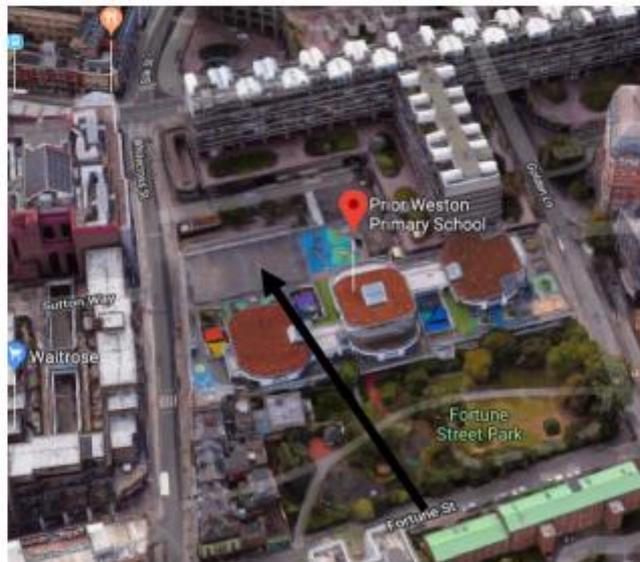
2. SITE PLAN (site outlined in black)



**2. PHOTOS OF SITE/STREET**



**Image 1: Aerial view of the application site**



**Image 2: Aerial view in southerly direction**



**Image 3:** Aerial view in westerly direction



**Image 4:** View of the existing Multi-Use Games Area facing south (taken at first floor level) with the Ben Johnson House part of the Barbican in background



**Image 5:** View of the existing Multi-Use Games Area facing east (taken at first floor)



**Image 6:** View in southerly direction showing panoramic existing Multi-Use Games Area and nearby buildings

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of 4 no. floodlights to 4 no. existing columns on the Multi-Use Games Area, located at first floor of Prior Weston Primary School. The application seeks to operate these floodlights until 20:00 hours in the evening Monday to Friday by children at the school. The existing Multi-Use Games Area benefits from planning permission for its use between 8.00am until 8.00pm Monday to Friday and 10.00am until 6.00pm Saturdays, with no use on Sunday and Bank Holidays. Therefore, this proposal would allow for greater use of the facilities during the winter months during term time.
- 4.2 The application is brought to committee due to the significant number of objections received (73 objections) following two rounds of consultation.
- 4.3 The issues arising from the application are the principle of expanding the school facilities, the design of the proposal, including its impact on the visual appearance and historic character and setting of the host buildings and surrounding heritage assets and the impact to neighbouring amenity of the adjoining and surrounding residential and commercial properties.

- 4.4 The principle of improving the existing school facilities is acceptable in land use terms, and the design of the proposed equipment is considered acceptable and would preserve the visual appearance of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3, DM4.12 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Chiswell Street and St Luke's Conservation Area Design Guidelines.
- 4.5 In addition, the proposal is not considered to unacceptably harm the residential amenity of neighbouring properties subject to conditions by way of significant noise or light spill to neighbouring properties over and above the existing situation. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located to the east of Golden Lane and to the west of Whitecross Street, and to the south of Fortune Street Park. The host property consists of a part single storey, part two storey, and part three storey building, which is used by Prior Weston Primary School, Richard Cloudesley School and the Golden Lane Children's Centre, as part of the Golden Lane Campus. The site can be accessed by Whitecross Street, to the east, and Golden Lane, to the west.
- 5.2 At first floor level there is an existing Multi-Use Games Area, located towards the south of the site used by the school.
- 5.3 The application building is not listed and the site is not located within a conservation area but is within 50m of both St Luke's and Chiswell Street Conservation Areas and the Barbican, being a Grade II\* Listed Building. The site is also located within an Archaeological Priority Area, Central Activities Zone, the Bunhill and Clerkenwell Finsbury Local Plan and Core Strategy Key Areas.

## **6. PROPOSAL (in Detail)**

- 6.1 Planning permission is sought for the installation of floodlights to the existing Multi Use Games Area, to extend the use of the outdoor playspace for children until 8:00pm Monday to Friday.
- 6.2 The proposed 4 no. floodlights would be located around the perimeter of the Multi Use Games Area (MUGA) at first floor level, attached to the existing metal columns located to the north and south of the existing playing pitch. The 4 no. floodlights would be 11m above the road level, and 5.2m above the playing pitch of the MUGA. The new fittings will be low energy LED type, arranged to achieve between 75 – 100 Lux at ground level, with the scheme light output and distribution being designed by Thorlux Lighting Ltd.
- 6.3 The existing MUGA is approximately 575sqm and is marked for various ball games. A curtain/ceiling netting system has been installed to prevent balls accidentally leaving the facility during play. The facility was approved as part of a larger scheme for the whole site, which included the following description, *'Demolition of existing buildings and the erection of a part 1, 2 and 3 storey educational facility fronting Golden Lane and Whitecross Street to accommodate 168 children within a 'Sure Start' Early Years Centre, 360 primary students and 30 students with special needs. Erection of a first floor Multi-Use-Games-Area and separate play spaces, associated hard and soft landscaping and five kerbside and six on-site drop-off bays. A caretaker's flat is included at second floor level'*. This was approved with conditions on 27<sup>th</sup> January 2006.

6.4 The existing approved hours of use of the MUGA is between 8.00am until 8.00pm Monday to Friday and 10.00am until 6.00pm Saturdays, with no use on Sunday and Bank Holidays. However, the existing site does not benefit from floodlights, and a condition restricts the use of any illumination.

6.5 The use of the MUGA, including when the floodlights are in operation exclusively for the school during term time. The Design and Access Statement confirms that the facilities would only be used by the school and would not be let for the use by external sports clubs.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS

7.1 P052329 - Demolition of existing buildings and the erection of a part 1, 2 and 3 storeys educational facility fronting Golden Lane and Whitecross Street to accommodate 168 children within a 'Sure Start' Early Years Centre, 360 primary students and 30 students with special needs. Erection of a first floor Multi-Use-Games-Area and separate play spaces, associated hard and soft landscaping and five kerbside and six on-site drop-off bays. A caretaker's flat is included at second floor level. Approved with conditions on 27/01/2006. See Appendix 2.

7.2 P122360 - Installation of a free standing dual pitch solar canopy. Approved with conditions on 18/02/2013.

7.3 930161 - Construction of single storey under-fives centre with playground and access on the site facing Golden Lane to the rear of Prior Weston School and the use of part of the existing school car park as a Barrow Store for Whitecross Street traders. Approved with conditions on 29/06/1993.

7.4 900601 - The siting of portacabins and essential parking by John Lelliott Construction for a 6 month-12-month period in connection with adjoining refurbishment work. Present crossover only to be maintained. (withdrawn)

### ENFORCEMENT

7.5 Golden Lane Under Fives Centre, 86, Golden Lane,  
E08/03504 - Wall removed from Fortune Park – Case Closed - 13/11/2012

### PRE-APPLICATION ADVICE:

7.6 None

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to 209 occupants of adjoining and nearby properties at Cherry Tree Walk, Golden Lane, Chiswell Street, Whitecross Street, Errol Street, Breton High Walk, on 3 October 2016 and reconsultation on 22 June 2018, and site and press adverts were displayed. The reconsultation was required as a result of amended drawings and a light spill drawing being submitted. The public consultation of the application expired on 12 July 2018.

8.2 It is the Council's practice to consider representations made up until the date of a decision. At the time of writing of this report 73 no. objections, including from the Breton House and Ben Johnson House Residents Group, and 2 no. letters of support in total had been received from the public with regard to the application. The letters of support considered that the proposal would be of benefit to the existing school children in terms of exercise and improve the school's facilities. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Increased noise to neighbouring properties (Ben Johnson House, Breton House, at Barbican building) and lack of acoustic barrier (paragraphs 10.25 to 10.30)
- Increased light spill and light pollution to neighbouring properties (Ben Johnson House, Breton House, at Barbican building) (paragraphs 10.25 to 10.29)
- Loss of privacy to neighbouring properties (Ben Johnson House, Breton House, at Barbican building) (paragraph 10.24)
- Lack of information in terms of the number, age of users and if only used in term time (Paragraph 10.35)
- Increased traffic to surrounding area (paragraphs 10.33 and 10.34)
- Requests that the use is restricted to 18:00 or 18:30 hours and acoustic screen (paragraph 10.30)
- Lack of information as to how the lights would operate (paragraph 10.33)
- Impact on Grade II\* Listed Building (Barbican) (paragraphs 10.17) and the associated restrictions in relation to installation of double glazing at the property (paragraph 10.31)
- The lack of compliance with acoustic mitigation conditions (paragraph 10.36)

### **Internal Consultees**

- 8.3 **Design and Conservation Officer:** raised no objections to the proposal
- 8.4 **Highways:** confirmed that there are no comments to the proposal.
- 8.5 **Pollution Officer:** raised no objections to the proposal, subject to conditions relating to the times the floodlights should operate (Monday to Friday only between 09:00-2000 hours) and specifications of the type of lighting, which should be controlled by a photocell detector and timer switch.

### **External Consultees**

- 8.8 **City of London:** raised objections to the proposal, raising concerns relating to the lighting causing significant disruption to residents trying to sleep, and increased noise levels for those playing sports.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES**

Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;

- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF) (2018): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.3 At paragraph 8 the NPPF (2018) states: "that sustainable development has an economic, social and environmental role".
- 9.4 The updated National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.10 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

#### **Development Plan**

- 9.11 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Within 50m of Grade II\* Listed Building Ben Johnson House, Barbican
  - Within 50m of St Luke's Conservation Area
  - Within 50m of Chiswell Street Conservation Area
  - Bunhill & Clerkenwell Core Strategy Key Area
  - Central Activities Zone (CAZ)
  - Bunhill & Clerkenwell Finsbury Local Plan
  - Archaeological Priority Area – Moorfields
  - Local Cycle Routes

#### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.13 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Neighbouring Amenity including noise and light spill
- Highways and Transportation
- Other matters

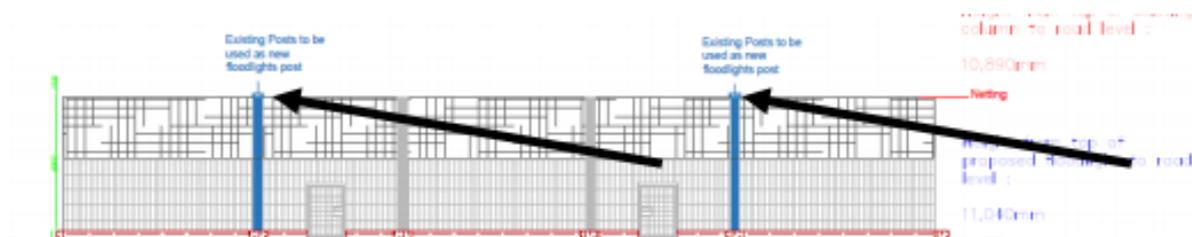
#### **Land Use**

- 10.2 The proposal seeks to allow for the installation of 4 no. floodlights to the existing Multi-Use Games Area for the use by the school until 8:00pm in the evening, Monday to Friday. The applicant has confirmed that the facilities and use of the floodlights would be used solely for the school.
- 1.1 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools and should take a positive approach to development that will widen the choice of education. The DCLG Policy Statement (2012) - Planning for schools - mirrors this aim, stating that local authorities should give full and thorough consideration to the importance of enabling the development of state funded schools, including free schools.

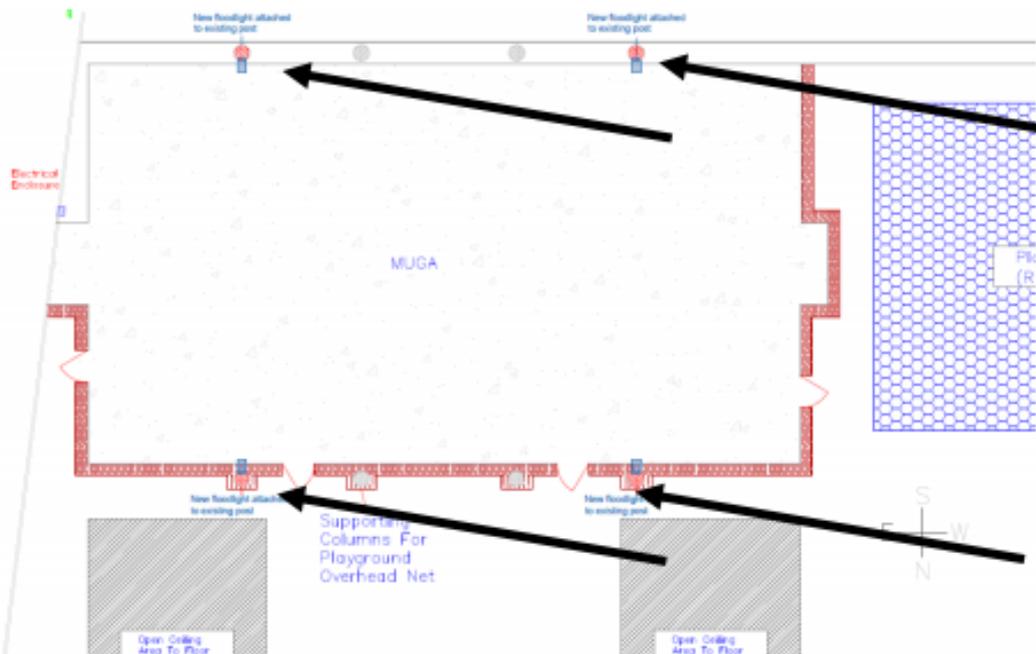
- 1.2 Development Management Policy DM 4.12 is very supportive of new social and community infrastructure provision, which the proposed expanded use of the existing facilities would represent. The existing Multi-Use Games Area provides a valuable service in this locality, to the school which the council would wish to support and encourage. Policy DM4.12C sets out criteria for new social infrastructure, which must:
- i. be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
  - ii. provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
  - iii. be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
  - iv. complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses. As such, the proposal would result in improved facilities for the school.*
- 1.3 Policy CS16 is also relevant, given that the application seeks to provide more opportunities to play. Part A of this policy seeks to improving the quality and function of existing play spaces so that they can provide more play opportunities for different age groups and disabled children, particularly in those areas where opportunities for play are currently limited. Within the supporting text paragraph 3.6.13 confirms that a key council objective is to improve health. It encourages the importance on building on the opportunities, including the 2012 London Olympics, to promote sport and physical activity across the borough to reduce health inequality. Paragraph 3.6.14 of the Islington Core Strategy also confirms the importance of the use of outdoor sports facilities include grass and synthetic playing pitches, tennis courts, Multi-Use Game Areas (MUGAs) and bowling greens in achieving this. Policy DM6.1A also seeks to ensure developments provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, which is consistent with the objectives of these policies.
- 1.4 Policy 3.18 of the London Plan 2016 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional school facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states *'development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards'*
- 1.5 Meeting the needs of current and future pupils within the school grounds is evidently a key benefit of this proposal. This would be in accordance with the National Planning Policy Framework which states that the Government, *"attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement..."* The framework also states that Council's should give "great weight to the need to create, expand or alter schools". The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities.
- 1.6 Therefore, in land use terms, it is considered that the expansion of the school facilities at this location would offer a number of policy benefits specific to this proposal, subject to the compliance with the requirements of Policy DM4.12C, including the amenity impact which will assessed within the body of this report.

### **Design and Conservation**

- 1.7 The site is not within a conservation area, but it is within 50m of both the St Luke's and Chiswell Street Conservation Areas, located to the north and south of the site respectively along Whitecross Street. In addition, whilst not within the boundaries of the Borough of Islington, being within the City of London, located to the south there is the existing Grade II\* Listed Building of the Barbican, with the nearest point being named the Ben Johnson House. The proposal is therefore required to pay special regard to the statutory duty (s66 and s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.
- 1.8 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'.
- 1.9 Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 1.10 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 1.11 The Urban Design Guide (UDG) (2017) provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 10.14 In this instance, the UDG does not provide any specific advice in relation to alterations to Multi-Use Games Area's including the installation of floodlights. However, it does provide general advice including to ensure that the character of the area and context is considered within any application for new development, including the importance of scale, massing and materials used.
- 1.12 The Chiswell Street and St Luke's Conservation Area Design Guidelines includes no specific guidance in relation to the proposal, other than the use of appropriate materials, and to take into consideration of the scale and context of the surrounding area.
- 1.13 In this instance, the proposal would result in the installation of 4 no. floodlights, positioned to the north and south of the existing MUGA. The floodlights would be attached to the existing columns which would not add to the visual clutter. Given that the scale of the floodlights which would be positioned on top of the existing columns it is considered that the proposal would be compliant with the Council's policies in this regard.



**Image 7:** Proposed elevations showing the floodlights above existing columns



**Image 8:** Proposed Plan drawing showing position of proposed floodlights

10.17 As mentioned previously, there are a number of heritage assets within proximity to the existing MUGA, which is within the setting of both the St Luke's and Chiswell Street Conservation Areas, being 50m away to the north and south, and the Grade II\* Listed Building of the Barbican, which is located 40m to the south and west. Given this situation, it is acknowledged that the light of the proposal would alter how these heritage assets would be experienced in terms of their setting. This is especially pertinent in the winter months, with floodlights likely to be used between the hours of 3:30pm and 8pm (approximately 4 and half hours). However, in this instance it is considered that the restriction in hours to a small period of the day, and that the lighting which would be targeted would result in minimal light spill to the surrounding area it is considered acceptable. In terms of the actual physical alterations to the existing MUGA, it is considered given the relatively small scale of development, comprising of floodlights which, as described above, would be affixed on top of existing columns, and the relative separation distances it is considered that there would be no harm to these heritage assets.

- 10.18 Overall, given the scale of the proposed floodlights which would be attached to the existing columns, their location within the site and separation distance from the surrounding both the nearby conservation areas and listed building, the proposal is considered to preserve the visual appearance and historic character of the host building and these nearby heritage assets, and is considered acceptable in design terms.

#### **Neighbouring Amenity**

- 10.19 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.20 Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.21 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.22 In this instance, the proposed floodlights would be located above the existing MUGA which is at first floor level, with the nearest residential properties are located to the east, along the east side of Whitecross Street, and the Barbican building to the west (Breton House) and south (Ben Johnson House) of the site.
- 10.23 In this instance, the only physical changes relate to the installation of 4 no. floodlights to the existing 4 no. columns. It is considered that this addition would result in no significant loss of daylight/sunlight or outlook or enclosure to neighbouring properties.

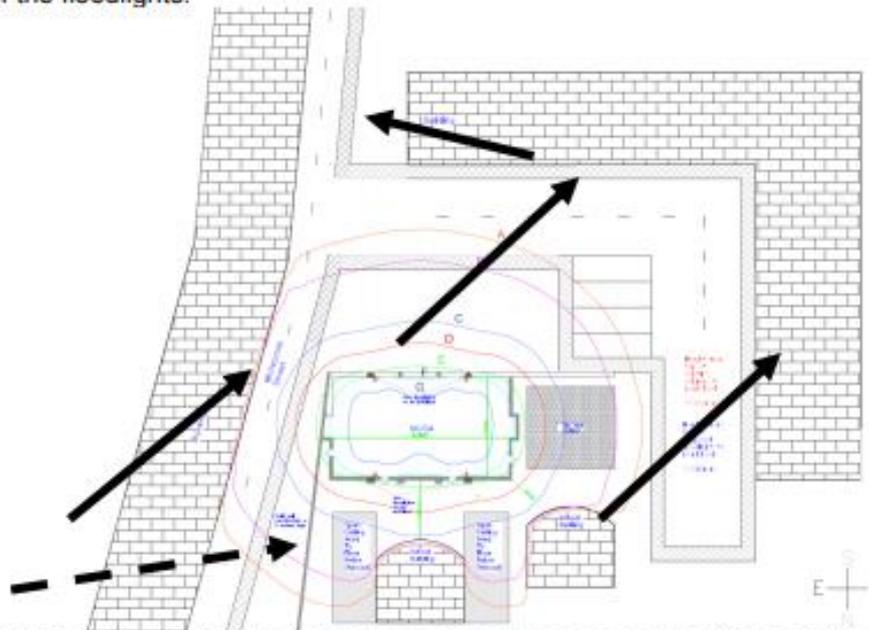
#### **Privacy**

- 10.24 In this instance, given the proposal relates to an existing MUGA there would be no additional privacy issues associated with the proposed development, given that the area is currently in use by the school.

#### **Noise and Light Pollution**

- 10.25 The proposal would result in the existing MUGA being used Monday to Friday until 20:00 hours in the evening to be used by children attending the school. It is acknowledged that this would allow for increased use of the MUGA, particularly in the winter months. As a result the proposal would likely result in increased noise and light spill to the surrounding area, over and above the existing situation, including to the residential properties to the south and east of the site.
- 10.26 In terms of light spill a drawing has been submitted to show the potential lighting Lux (Lumens per sqm) levels to the surrounding area. This drawing (Image 9), shows the separation distances (40m from Barbican and 18m from Whitecross Street) between the nearest point of the MUGA and the existing structures which surround the site, including the

5m high wall, together with the position and height of the floodlights. The light spill drawing shows that the floodlights would provide the existing MUGA with 100 Lux (G), which dissipates in levels away from the proposed floodlights, between 20 and 10 Lux (C and D) towards the eastern boundary of the site with Whitecross Street, to between 1 and 2 Lux (A and B) towards the residential properties along Whitecross Street and the south and western boundaries of the site. Given that 1 Lux is a measurement equivalent to the illumination of a one metre square surface that is one metre away from a single candle, the impact on the residential properties on Whitecross Street is considered acceptable. The light spill drawing shows that the nearest residential properties within the Barbican building would receive less than 1 Lux, and as such would not be detrimentally affected in relation to light spill from the use of the floodlights.



**Image 9:** Plan showing light spill to surrounding area as a result of the floodlights (residential properties are identified by solid arrows and 5m wall in dashed arrow)



**Image 10:** Aerial photo showing relationship of existing MUGA with surrounding residential properties identified.

- 10.27 The Council's Pollution Officer has raised no objections in relation to the proposed increased hours and use of the MUGA, in terms of the potential for increased noise and light spill. However, this is subject to conditions relating to times the floodlights should operate (Monday to Friday only between 0900-2000 hours) and specifications of the type of lighting as described within the application details. A condition has been recommended by the Pollution Officer (Condition 3) to control the hours of operation of the floodlights by a photocell detector and timer switch. In addition, this condition only permits the operation of the floodlights during term time.
- 10.28 The increased use of the facilities as a result of the increased operation of the MUGA during the winter months in particular. In understanding this increased use, it is important make note of the hours of sunlight/daylight. The predicted sunset and maximum hours of the operation of the floodlights after this time is outlined below:

Event	Date	Sunset time	Hours of operation after sunset
Autumn equinox	23 <sup>rd</sup> September 2018	6:56pm	1 hour 4 minutes
Winter solstice	21 <sup>st</sup> December 2018	3:53pm	4 hours 7 minutes
Spring equinox	20 <sup>th</sup> March 2019	6:13pm	1 hour 47 minutes
Summer solstice	21 <sup>st</sup> June 2019	After 8 pm	0

- 10.29 Looking at the forthcoming year, for the autumn term the start date for the school is 5<sup>th</sup> September 2018, and end date 21<sup>st</sup> December 2018, with one week half term in October, resulting in 14 no. full weeks. The spring term extends from 8<sup>th</sup> January 2019 to 5<sup>th</sup> April 2019, with one week half term in February 2019, resulting in 13 full weeks. There is no requirement for the operation of the floodlights during the summer term. Given the operation of the floodlights would be a maximum of 4 hours 7 minutes after sunset, and that it would be restricted to term time only the increase in use of hours is considered to be acceptable of its impact on the amenity impact on neighbouring properties. It is therefore considered that subject to the aforementioned conditions, including compliance with the light spill drawing, the operation of the floodlights would not have an unacceptable impact in terms of noise and light spill to neighbouring properties.
- 10.30 Concerns have been raised in relation to the lack of an acoustic barrier. However, given that the Council's Pollution Officer has considered the current proposal to be acceptable without an acoustic screen. In addition, given the acceptability of the proposed hours to the Pollution Officer until 2000 hours, it would unreasonable to restrict the hours until 1800 or 1830 hours as suggested within the consultation process.
- 10.31 It is acknowledged that the City of London Corporation have raised objections in relation to the proposal, particularly in relation to lighting causing disruption to residents and increased noise levels. However, the use of the facility until 8pm is considered a reasonable time frame by Officers, also the hours were considered acceptable on the original decision, albeit this proposal would allow for use during the winter months. Residents of the nearby Grade II\* Listed Building of the Barbican building have expressed the opinion that it is unlikely that they would be able to install UPVC windows to improve noise mitigation, given its heritage designation. Whilst the acceptability of the installation of UPVC windows would require assessment by the local Planning Authority at the City of London Corporation within a formal planning application, this is not considered to warrant the refusal of the application, as 8pm is considered reasonable for primary school, mid-week use only.

- 10.32 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

### **Highways and Transportation**

- 10.33 Policy DM8.2 seeks to ensure that development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. In this instance, the proposal would be used solely by the school and would not result in any community use, therefore the proposal is not considered to result in any increase in journeys, and more likely to result in reducing the amount of pupils leaving the school immediately after the end of the school day.
- 10.34 In addition, the site is in highly accessible location with excellent public transport provision (PTAL – 6b (the best)). It is considered that given the location of the site, the proposal is not required for the expansion of school numbers, and would not be used by external groups it would not result in any significant impact on the surrounding public highway network.

### **Other Matters**

- 10.35 The consultation process raised concerns relating to the lack of information of the users of the MUGA, including the number, age of users and if only used in term time, and in relation to the operation of the lighting. The users of the MUGA would be solely for the school, therefore the number and age of users would be restricted by children attending the school. In terms of the operation of the lighting, as described above, a condition has been recommended to control the hours of operation by a photocell detector and timer switch.
- 10.36 Concerns have been raised in relation to the lack of compliance with the conditions of the original permission for the Multi-Use Games Area (ref. P052329), relating to noise mitigation. The Council can confirm that details of the fencing and enclosure for the MUGA was approved, secured by condition 3 of the original decision. In terms of any failure to comply with the attached conditions, this is a matter which could be referred to the Council's Planning Enforcement team. The Council's records do not indicate that there are any complaints in this regard.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Planning permission is sought for the installation of 4 no. floodlights which would be attached to existing columns associated with the use of the existing first floor Multi Use Games Area. This is to allow the increased use of the existing Multi Use Games Area by the school to provide an outdoor playspace for children until 8:00pm Monday to Friday during term time.
- 11.2 The application is brought to committee because of the 73 no. objections received, raising some valid planning matters. Officers consider the planning merits of the development to be acceptable overall.
- 11.3 The issues arising from the application are the acceptability of the proposal in terms of the design of the floodlights, including its impact on the character and appearance of the application site and surrounding area and nearby heritage assets, its impact on the amenity of neighbouring residential and commercial properties, and the local highway network. These impacts have been carefully considered and it is not considered there will be any material

harm in land use, design, or noise and light pollution to nearby residential properties to justify refusal.

11.4 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

**Conclusion**

11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

**APPENDIX 1 – RECOMMENDATIONS**

**RECOMMENDATION A**

That the grant of planning permission be subject to conditions to secure the following and that there is delegated to each of the following: The Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

**List of Conditions:**

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>4 no. Thorlux Starguard 140W luminaires, drawing no. 1 (existing plan), 2 (proposed block), 3 (proposed plan), Site Location Plan and Block Plan.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Lighting hours of use</b>
	<p>CONDITION: The 4 no. floodlights hereby approved shall be controlled by photocell detector and timer switch and operate between the hours of 0900 and 2000 hours Monday to Friday only during the school's term time only. The Multi-Use Games Area lighting shall be manually switched off when the area is not used for after school activities during these hours</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

<b>4</b>	<b>Type of lighting</b>
	<p>CONDITION: For the hereby approved floodlighting, there shall be installed only Thorlux Starguard 140W luminaires, which shall be retained thereafter. The floodlighting shall be regularly checked and maintained to avoid light spill. The hereby approved floodlights shall be built in compliance with the light spill drawing no. 2 (Proposed Plan) and retained thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of light spill.</p>
<b>5</b>	<b>No Community Use</b>
	<p>CONDITION: For the hereby approved development there shall be no use of the existing Multi-Use Games Area, other than by the school, and the facilities shall not be hired out for use by external sports clubs.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

## APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### 1. National Guidance

The National Planning Policy Framework 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### A) The London Plan 2018 - Spatial Development Strategy for Greater London

Policy 2.10 Central Activities zone  
Policy 5.3 Sustainable design and construction  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### B) Islington Core Strategy 2011

## Strategic Policies

Policy CS 7 – Bunhill and Clerkenwell

Policy CS 8 – Enhancing Islington's character

Policy CS 9 - Protecting and enhancing Islington's built and historic environment

Policy CS 10 – Sustainable Design

Policy CS 16 – Play space

### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM4.12 – Social and strategic infrastructure and cultural facilities
- Policy DM6.1 – Healthy developments
- Policy DM6.4 – Sport and recreation
- Policy DM8.2 – Managing transport impacts
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

### **3. Designations**

Within 50m of Grade II\* Listed Building Ben Johnson House, Barbican

Within 50m of St Luke's Conservation Area

Within 50m of Chiswell Street Conservation Area

Bunhill & Clerkenwell Core Strategy Key Area

Central Activities Zone (CAZ)

Bunhill & Clerkenwell Finsbury Local Plan

Archaeological Priority Area – Moorfields

Local Cycle Routes

### **4. SPD/SPGS**

Urban Design Guide 2017

Chiswell Street Conservation Area Design Guidelines

St Luke's Conservation Area Design Guideline

## ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

### Appendix 2



PLANNING SUB-COMMITTEE A	
Date:	30 <sup>th</sup> October 2018
	NON-EXEMPT

Application number	P2016/1803/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Within 50m of Grade II* Listed Building Ben Johnson House, Barbican
Conservation area	Within 50m of St Luke's Conservation Area Within 50m of Chiswell Street Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone (CAZ) Bunhill & Clerkenwell Finsbury Local Plan Archaeological Priority Area – Moorfields Local Cycle Routes
Licensing Implications	None
Site Address	Prior Weston Primary School Golden Lane Campus, 101 Whitecross Street, LONDON EC1Y 8JA
Proposal	Installation of 4 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for children until 8:00pm Monday to Friday.

Case Officer	Daniel Jeffries
Applicant	Mr Greg Page - REAM Partnership LLP
Agent	Mr Greg Page - REAM Partnership LLP

### RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission

- subject to the conditions set out in Appendix 1 of the original report attached;

### 2. REASONS FOR DEFERRAL

- This application was previously discussed at the Planning Sub-Committee A meeting on 6 September 2018 where objectors were given the opportunity to speak.

2.6 In the discussion the following points were made:

- The Planning Officer advised that since publication of the agenda two letters of objection had been received no additional updates had been received.
- Objectors were concerned about the levels of noise from the use of the MUGA and its impact on their amenity and the amount of light spillage from the flood lights. In response, the Planning Officer advised that a condition restricting the hours of operation between the hours of 0900 and 2000 hours Monday to Friday had been included in the planning permission.
- Councillor Picknell proposed a motion to defer as the applicant was not available at the meeting to respond to issues raised by the objectors. This was seconded by Councillor Woolf.

2.7 Members decided to defer the application in order for the Sub-Committee to allow the applicant to respond to issues raised by objectors at a further meeting.

### **3. UPDATES FOLLOWING COMMITTEE 27<sup>th</sup> FEBRUARY 2017**

3.1 Following the conclusion of the Planning Sub-Committee no additional information has been submitted.

3.2 Notwithstanding this situation, a number objectors raised concerns relating to the lack of compliance with the noise conditions relating to the original planning application (ref P052329).

3.3 This conditions relating to noise included conditions 13 (noise assessment) and 15 (acoustic controls) which state the following:

#### Condition 13:

CONDITION: The developer shall carry out a noise assessment following the guidelines of PPG24. A scheme for sound insulation and noise control measures should be submitted for the Council's written approval. The noise assessment should also include an outdoor target of 50dB LAeq, 16h. The scheme implemented and retained to the satisfaction of the Council in order to achieve the following noise target for neighbouring noise sensitive occupiers and within the on-site residential flat:

Bedrooms (23.00-07.00 hrs) 35 dB LAeq, 45 dB LAm<sub>ax</sub> (fast)

Living Rooms (07.00-23.00 hrs) 40 dB LAeq

Kitchens, bathrooms, WC compartments and utility rooms (07.00-23.00 hrs) 45 dB LAeq.

REASON: To ensure the amenity in the locality and on-site is not prejudiced.

#### Condition 15:

CONDITION: Full details of the acoustic controls system for the fixed plant shall be submitted to, implemented as specified by, and approved in writing by the Local Planning

Authority before the use commences and thereafter retained and maintained in accordance with approved details. No alterations to the plant and system shall be undertaken without the prior written approval of the Local Planning Authority.

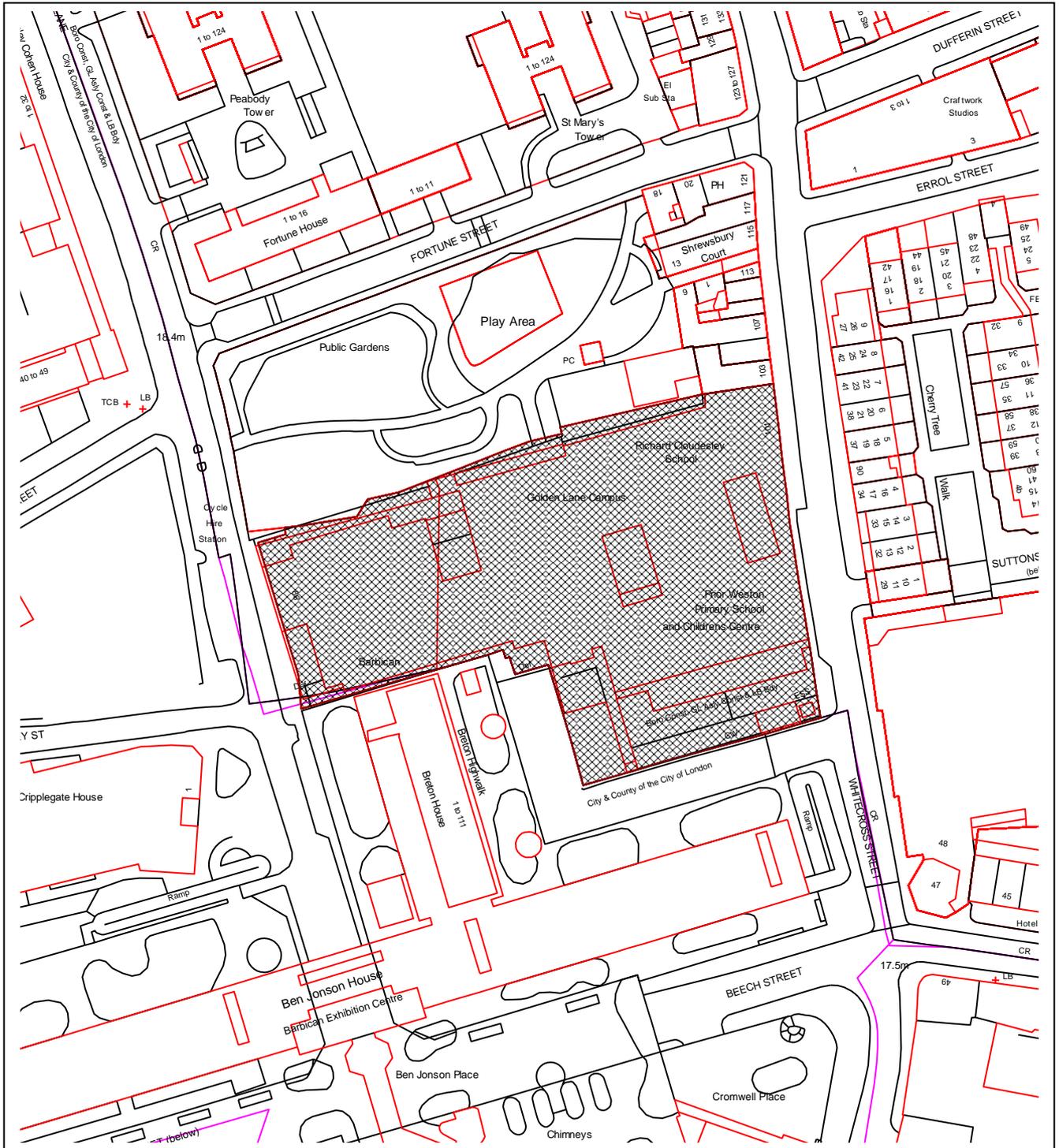
REASON: To ensure the amenity in the locality and on-site is not prejudiced.

- 3.4 The details for these two conditions were submitted as part of an approval of details secured by condition application, which was subsequently approved on 10/04/2008. The submitted details were reviewed by the Council's Public Protection Team who confirmed that the details were sufficient to comply with the requirements of these conditions and be approved. A copy of the report associated with the approval of these conditions is attached to this report (Appendix 1).
- 3.5 Whilst it is acknowledged that the approval of these conditions were made in 2008, the details of the condition ensured that the use of the Multi-Use Games Area would not breach these noise levels. In the event that the current application was approved the use of the existing Multi-Use Games Area would be required to comply with the requirements of this noise level condition (no. 13). It should be noted that in the assessment of the condition, it notes that assessment submitted confirms that the site is subject to road traffic noise and that the resulting school elevations falls within a Noise Exposure Category (NEC) 'A/B' during the day and 'B' at night.
- 3.6 Whilst the guidance found within Planning Policy Guidance 24: Planning and Noise has been superseded, paragraph 8 of this document provides an explanation of Noise Exposure Categories (A to D). Category A represents the circumstances in which noise is unlikely to be a determining factor, while Category D relates to the situation in which development should normally be refused. Categories B and C deal with situations where noise mitigation measures may make development acceptable.
- 3.7 Given that the proposal would not result in any increase in the size of the existing Multi-Use Games Area, or extend the hours (albeit it is acknowledged it would allow use during winter months), it is considered that the proposal would not result in any significant noise or disturbance to the occupiers of neighbouring properties over and above this existing situation which was considered acceptable, as a result of the increased use of the area during the winter months, when the proposed floodlights are in operation.

#### **4. CONCLUSION**

- 4.1 Given the conditions imposed on the original approved development (ref P052329), including the details approved for condition 13, together with the conditions recommended by the Council's Pollution (Acoustic) Officer on this application, the proposal is considered that the proposal would have an acceptable impact on the occupiers of neighbouring properties. It is also considered to be compliant with the Council's policies in regards to land use, design including the impact on heritage assets, the local highway network and in all other associated material considerations. It is therefore recommended that planning permission be granted subject to conditions

# Islington SE GIS Print Template



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P2020/1842/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Community Wealth Building

<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	4 <sup>th</sup> May 2021	<b>NON-EXEMPT</b>

Application number	P2021/0335/FUL & P2021/0353/LBC
Application type	Full Planning Application and Listed Building Consent
Ward	St. Marys
Listed building	Grade II Listed
Conservation area	Cross Street
Development Plan Context	Archaeological Priority Areas (Islington Village and Manor House) Core Strategy Key Area (Angel and Upper Street) Cycle Routes (Local) / (Strategic) Rail Safeguarding (Crossrail) Town Centre (Angel)
Licensing Implications	None
Site Address	South Library, 115-117 Essex Road, N1 2SL
Proposal	Proposed works, including repairs and alterations to the existing external roofs of the South Library to prevent further water ingress and to provide permanent safe access for future repair and maintenance by inclusion of a fall restraint system (Council Own Application)

Case Officer	Mr Jake Shiels
Applicant	Mr Adam Feeney (Islington Council)
Agent	Mr Graham Epking-Crane

### 1. RECCOMENDATION

The Committee is asked to resolve to **GRANT** planning permission and listed building consent subject to the conditions set out in Appendix 1.



Image 1: Location Plan

2. SITE PLAN (site highlighted in red)



### 3. PHOTOS OF SITE



**Image 3:** Front elevation

### 4. SUMMARY

- 4.1 The proposal seeks planning permission and listed building consent for works, including repairs and alterations to the existing external roofs of the South Library to prevent further water ingress and to provide permanent safe access for future repair and maintenance by inclusion of a fall restraint system.
- 4.2 The external alterations and repairs are considered to be acceptable in design terms and would not harm the character and appearance of the Conservation Area or the significance of the Grade II listed building.
- 4.3 Given the size and scale of the external alterations, the proposal would not have any detrimental impact on the amenity of neighbouring properties.
- 4.4 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character of the Conservation Area, the significance of the listed building, or adversely impact on neighbour amenity. The proposal accords with policies D4 and HC1 of the London Plan 2021, policies DM2.1 and DM2.3 of the Development Management Policies 2013 and policies CS8 and CS9 of the Core Strategy 2011.
- 4.5 The application is referred to committee as it is a Council Own Application.

## 5. SITE AND SURROUNDING

- 5.1 The application site contains the land and the building at South Library on the west side of Essex Road.
- 5.2 The building dates from 1915-1916 and is designed by Mervyn Macartney.
- 5.3 It is listed at grade II and is within the Cross Street Conservation Area. It is one of the former Metropolitan Borough of Islington's Carnegie-funded libraries and consists of red brick with stone dressings and is an accomplished design with high quality materials.
- 5.4 Externally, the building is in red brick with stone dressings and an elaborate door case surrounding the principal entrance on Essex Road. The Essex Road building is two storeys beneath a pitched Welsh slate roof behind a stone parapet. To the rear there is a single storey element facing Halton Cross Street in the same red brick, again with a pitched slate roof. At the rear there is also a stock brick stair tower and an additional rear room with a flat roof.
- 5.5 The building has high architectural, historical, evidential and communal heritage values and the building, with its fine and distinctive architecture and civic presence, makes a positive contribution to the character and appearance of the Cross Street Conservation Area.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks full planning permission and listed building consent for works, including repairs and alterations to the existing external roofs of the South Library to prevent further water ingress and to provide permanent safe access for future repair and maintenance by inclusion of a fall restraint system.
- 6.2 The following repair and maintenance works have been identified:
  - Repairs to the various roofs: slate, gutters, lead flashings, dormer and lantern repair;
  - The repair of the lead downpipes and hopper heads and maintenance of rainwater outlets
  - Localised brickwork cleaning and repointing;
  - Provision of a safe access to the upper pitched roof with the introduction of a fall restraint system

## 7. RELEVANT HISTORY:

### *Recent applications*

- 7.1 P2013/1765/LBC: Listed Building Consent application in connection with removal of three modern stairs which lead from the staff office area down to the public counter area. Original set of double doors to be reinstated. New stairs and balustrade to be fitted in front of original single door.

**Approved** with conditions on 21/01/2014.

### *Pre-application*

- 7.2 Q2020/3322/MIN: Pre-application: General roof repairs & installation of fall-restraint system to enable safe access & maintenance.

**Completed** on 27/01/2021.

### **Public Consultation**

- 7.3 Letters were sent to occupants of **168** adjoining and nearby properties on Essex Road, Astey's Row, Halton Road, Pleasant Place, Fowler Road, Pickering Street, Cross Street and Dibden Street on 16/02/21. A site and press notice also advertised the proposed development.

- 7.4 **No comments** were received from consultation.

### **Internal Consultees**

- 7.5 **Design and Conservation**: No objection, subject to conditions.

### **External Consultees**

- 7.6 **Crossrail 2**: No comments to make on application.

- 7.7 **Historic England**: No comments to make stating the following: On the basis of the information available to date, we do not wish to offer any comments. We suggest that this application should be determined in accordance with national and local policy guidance and that you seek the views of your specialist conservation adviser.

## **8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 8.1 The National Planning Islington Council (Sub-Planning Committee A), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).

- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

- 8.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.

- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications is taking place from 19 March to 9 May.
- 8.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.14 Emerging policies relevant to this application are set out below:

Policy DH1 Fostering innovation and conserving and enhancing the historic environment

Policy DH2 Heritage assets

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Design, Conservation and impacts on heritage assets
- Impact on the amenity of neighbouring residents.

### **Design, Conservation and Heritage Impacts**

9.2 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 131 of the NPPF (2019) states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

9.3 Policy CS8 of Islington's Core Strategy sets out the general principles to be followed by new development in the Borough. Policy CS9 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

9.4 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The proposal is located within the Cross Street Conservation Area.

9.5 The proposal principally includes external alterations and repairs to the roof of the Central Library. They include:

- Repairs to the various roofs: slate, gutters, lead flashings, dormer and lantern repair;
- The repair of the lead downpipes and hopper heads and maintenance of rainwater outlets
- Provision of a safe access to the upper pitched roof with the introduction of a fall restraint system



**Image 4:** Lower slate roof



**Image 5:** Lead Gutter

- 9.6 The Design and Conservation Officer has been consulted as part of the application process, and their comments are included within this assessment.
- 9.7 The library has been experiencing water ingress which is damaging the building and inspection has shown that there are problems with some of the slates and that the gutters and downpipes, particularly on the front elevation, are blocked or have deteriorated and leadwork and other detailing is no longer performing in places. There is currently no safe access to the main roof and the timber access hatch from the dormer is no longer safe and has rotted. Some of this damage is shown within images 4-7.

- 9.8 The proposed works are intended to remedy the problem areas and to put in place measures to prevent blockages and in addition to provide a safe access system to the main roof to allow sensible periodic inspection and maintenance of the main roof, gutters and downpipes.
- 9.9 The slate roof is generally in a good condition, but there are a few sections of missing or damaged slates. Any missing slates are to be reinstated with welsh blue slates to match the existing roof. The lead lined valley gutter will be unblocked and cleared the entire length of the gutter, wire balloon leaf guards will be inserted in order to avoid future blockages and these elements will not be visible from street level. Lead flashings will be replaced where damaged and re-pointed with remedial lime mortars. The dormer door and frame are showing signs of decay and an allowance has been made for complete replacement of the painted hardwood timber access door and frame and associated ironmongery. The existing wooden access platform is deteriorated and is to be removed and replaced with a more permanent access.
- 9.10 In terms of the proposed access system, this would be a restraint system with posts secured to the rafters. From the plans and details provided it would be a bespoke lightweight access platform with non slip surface and appropriate guarding to be installed. The drawings are provided to represent design intent only at this stage. Full surveys are to be undertaken once safe access is available.
- 9.11 The restraint system and the metal access point on the rear roof would be visible in the public realm. The restraint system would be located upon the front and side roof slopes and although visible, would be relatively discreet against the roof. The metal access structure would be on the rear roof slope and therefore not on the more architecturally prominent roof slopes. It would also be read as a structure related to roof maintenance which would therefore not be uncharacteristic in nature. However, it would be a visible modern intrusion which requires assessment against the heritage asset. Great weight should be given to the conservation of a designated heritage asset and special regard paid to preserving the listed building and its setting. Public benefit sufficient to outweigh the less than substantial harm to significance would be required and is considered to be present in this case as assessed by the Conservation Officer as the works here are to allow safe access to the roof to maintain the building and prevent repeated water ingress from previously hard to maintain aspects of the roof.
- 9.12 Repair and cleaning works separate to the roof include remedial work to the facades of the building including brickwork and stone at the lower foot of the facade. Staining to those parts of the facades caused by the leaks are proposed for localised cleaning and repointing. These repair measures would benefit the condition of the property.
- 9.13 Overall, the repairs and remedial work to the roof for upkeep and maintenance would not be prominent and would not have an adverse impact on the Conservation Area or significance of the host building. The Design and Conservation Officer advises there is less than substantial harm, however the works proposed are to allow safe access to the roof to maintain the building and prevent repeated water ingress and staining to the interior spaces from previously hard to maintain aspects of the roof. This is considered a public benefit in the upkeep and physical maintenance of the South Library and is considered to outweigh the harm in this case in terms of securing the long term maintenance of the host Grade 11 Listed building.



**Image 6: Stone staining**

- 9.14 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Given the above, the proposal is considered to enhance the character and appearance of the host building and the wider Conservation Area. The application therefore complies with the NPPF 2019, policies D4 and HC1 of the London Plan 2021, policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, and the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines.
- 9.15 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the setting of adjoining listed buildings and the character and appearance of the Cross Street Conservation Area.
- 9.16 Given the above, the proposal is considered to cause less than substantial harm to the significance of the listed building, but the public benefits to allow safe access to the roof to maintain the building over the short to medium term and prevent repeated water ingress and staining to the interior space is considered to outweigh this harm in this case. The application therefore complies with the NPPF 2019, policies D4 and HC1 of the London Plan 2021, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013.

## **Neighbouring Amenity**

- 9.17 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 9.18 Given the small size and scale of the external alterations, these would not have any detrimental impact on the amenity of neighbouring properties.
- 9.19 The roof access structure is proposed purely for access to enable safe maintenance of the library roof and would not have an adverse impact on overlooking and privacy.
- 9.20 The application is therefore considered to be compliant with DM2.1 of the Development Management Policies (2013) in regards to impacts on neighbouring amenity.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The proposal is considered to be acceptable, subject to conditions, and is considered to cause less than substantial harm to the significance of the listed building, but the public benefits to allow safe access to the roof to maintain the building and prevent repeated water ingress and staining to the interior space is considered to outweigh this. The proposal accords policies D4 and HC1 of the London Plan 2021, Policy CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013.
- 10.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, and the Islington Development Management Policies and should be approved accordingly.

### **Conclusion**

- 10.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

That the grant of planning permission & Listed Building Consent be approved subject to conditions to secure the following:

### List of Conditions for planning application P2021/0335/FUL:

<b>1</b>	<b>COMMENCEMENT (3 YEAR CONSENT PERIOD)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>APPROVED PLANS LIST</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>240941-PUR-00-XX-DR-A-1100, 240941-PUR-00-XX-DR-A-2000, 240941-PUR-00-XX-DR-A5000, 240941-PUR-00-XX-DR-A-5010240941-PUR-00-XX-DR-A-5021, 240941 (Repair works schedule and Roof repair description of works by Purcell), Islington South Library- Roof Repairs (Work in Progress Document) by Purcell (10th December 2020), Design &amp; Access Statement by Purcell (February 2021), Heritage Impact Assessment by Purcell Issue 02 (December 2020), Planning Statement by Purcell (January 2021).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>MATERIALS (COMPLIANCE)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

### List of Conditions for listed building consent application P2021/0353/LBC:

<b>1</b>	<b>COMMENCEMENT (3 YEAR CONSENT PERIOD)</b>
	<p>YEAR CONSENT PERIOD FOR LBC and CAC: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>

<b>2</b>	<b>ALL NEW WORKS AND WORKS TO MAKING GOOD (COMPLIANCE)</b>
	<p>CONDITION: All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture and profile.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>3</b>	<b>MATERIALS (COMPLIANCE)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>METAL ACCESS PLATFORM (DETAILS)</b>
	<p>CONDITION: Notwithstanding the approved drawings, detailed drawings in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:</p> <p style="padding-left: 40px;">a) The metal access platform and guard rails to the rear dormer.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

## INFORMATIVE

<b>1</b>	<b>BUILDING CONTROL</b>
	<p>This consent relates solely to listed building matters. Should it become necessary to make alterations to the consented scheme in order to comply with other legislation, such as Building Regulations, a further consent may be required. Such a consent should be sought and obtained prior to the relevant works being undertaken.</p>

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1. National and Regional Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2019)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2021 - Spatial Development Strategy for Greater London**

**Policy D4** Delivering good design

**Policy HC1** Heritage conservation and growth

#### **B) Islington Core Strategy 2011**

**Policy CS8** Enhancing Islington's character

**Policy CS9** Protecting and enhancing Islington's built and historic environment

#### **C) Development Management Policies June 2013**

**Policy DM2.1** Design

**Policy DM2.3** Heritage

### **3. Designations**

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Archaeological Priority Areas (Islington Village and Manor House)
- Core Strategy Key Area (Angel and Upper Street)
- Town Centre (Angel)

### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

London Plan – Character and Context (2014).

### **5. Emerging Policies**

Draft Islington Local Plan (2019)

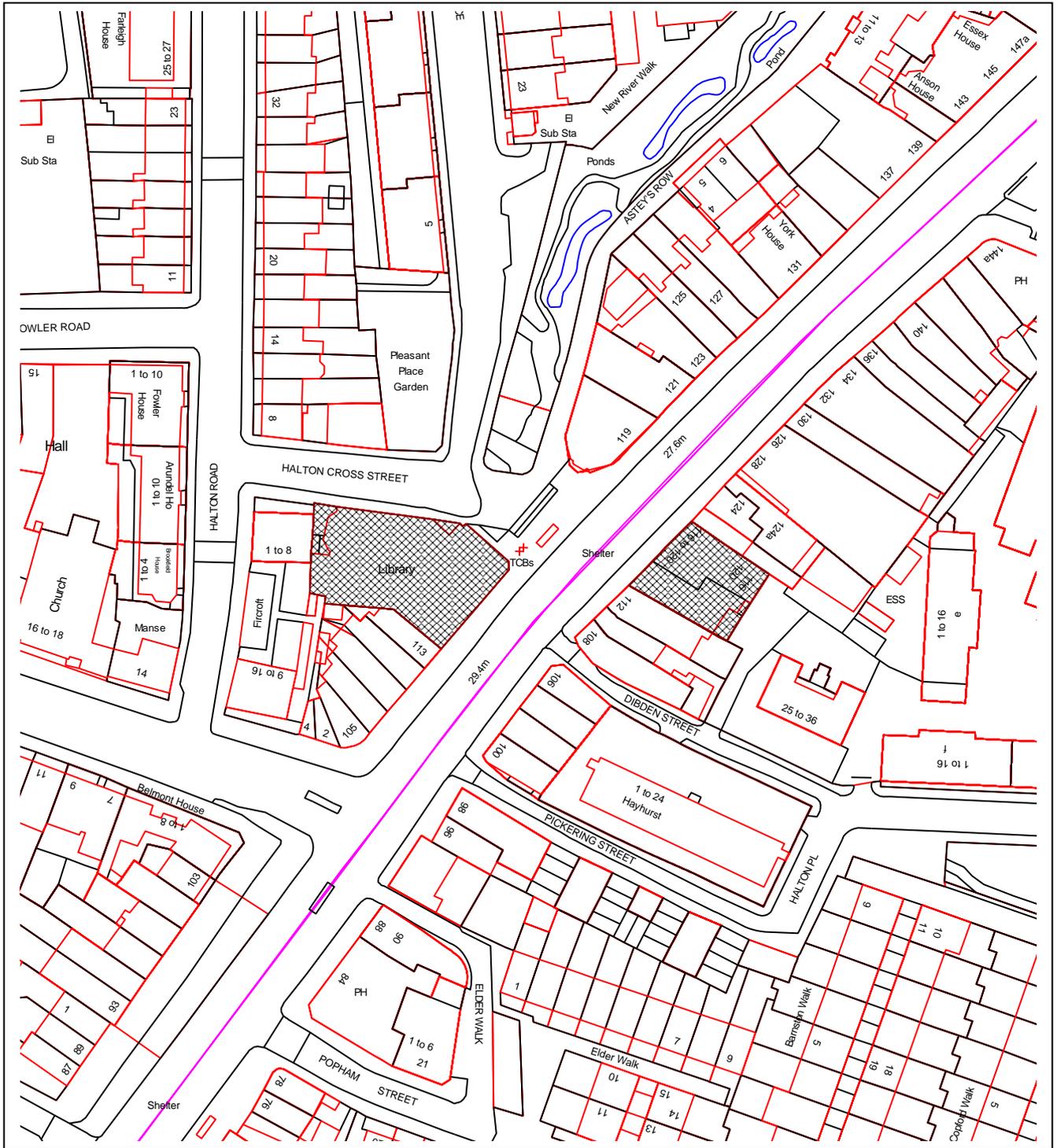
Emerging policies relevant to this application are set out below:

**Policy DH1** Fostering innovation and conserving and enhancing the historic environment

**Policy DH2** Heritage assets

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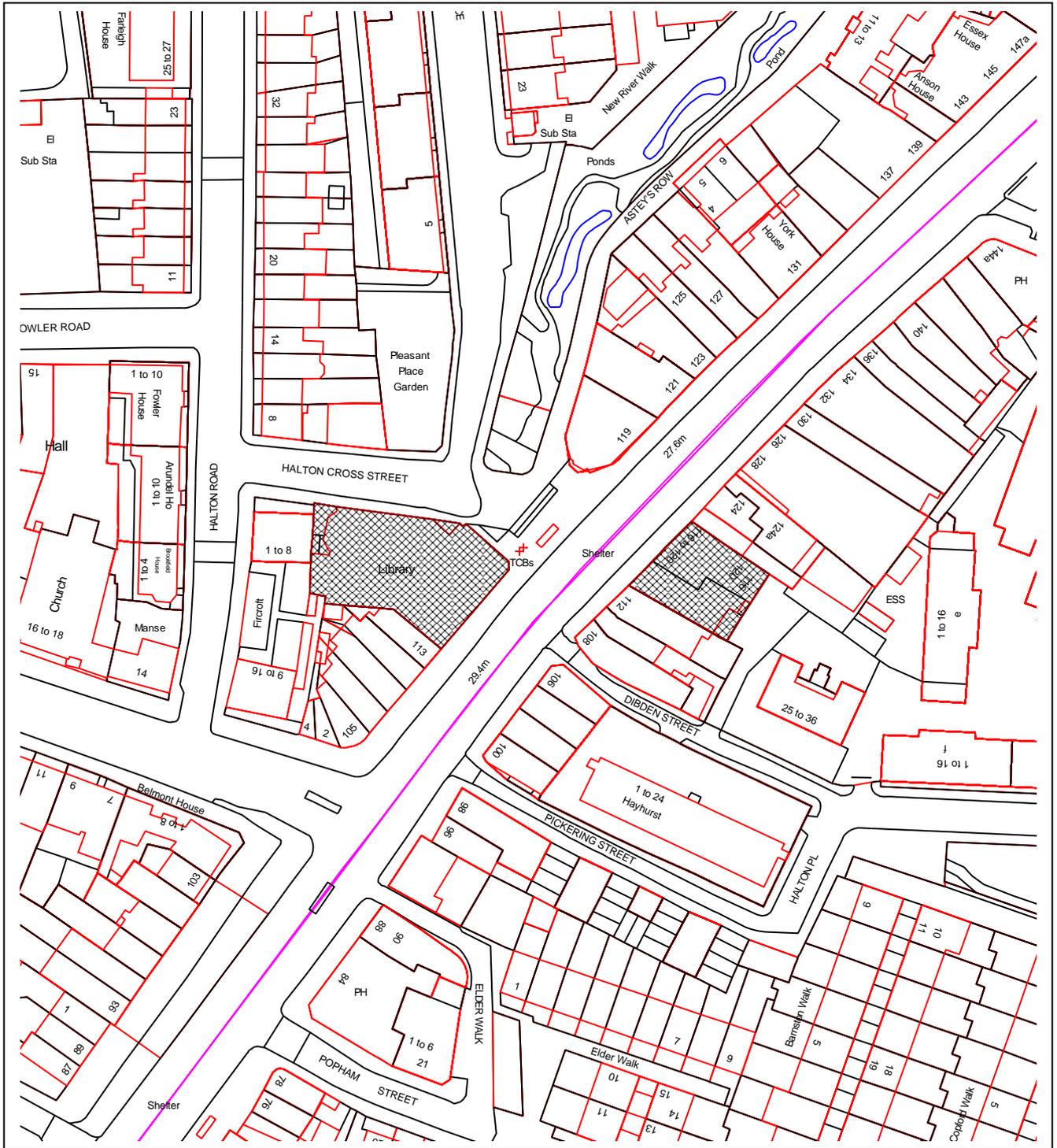
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